

SENATE.

WEDNESDAY, June 21, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of the Commercial Club of Chicago, Ill.; of the Diocese of the Protestant Episcopal Church of Connecticut; and of the congregation of the Calvary Baptist Church, of Rochester, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of United Mine Workers' Union No. 99, of Belleville, Ill., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. WETMORE presented a petition of the Board of Trade of Providence, R. I., praying that an appropriation be made to increase to a depth of 30 feet the harbor at that city, which was referred to the Committee on Commerce.

Mr. BURNHAM presented a memorial of Local Grange, Patrons of Husbandry, of Chester, N. H., and a memorial of Cheshire Grange, No. 131, Patrons of Husbandry, of Keene, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were ordered to lie on the table.

Mr. WARREN presented memorials of Rev. H. E. Reeder, general pastor of the Northeastern Wyoming Field, Seventh-day Adventists, and of sundry citizens of Sheldon, Thornton, and Upton, in the State of Wyoming, remonstrating against the enforced observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CUMMINS presented memorials of sundry citizens of Victor and Iowa City, in the State of Iowa, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were ordered to lie on the table.

Mr. BURTON presented a petition of the Chicago Peace Society, of Illinois, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the Columbia Heights Citizens' Association of the District of Columbia, praying for the enactment of legislation to correct the alley-slum conditions in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Columbia Heights Citizens' Association of the District of Columbia, praying for the enactment of legislation to prohibit the pollution and obstruction of the waters of Rock Creek, etc., which was referred to the Committee on the District of Columbia.

Mr. PERKINS presented memorials of sundry citizens of Susanville, Lodi, and Santa Cruz, all in the State of California, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

Mr. POINDEXTER presented memorials of sundry citizens of College Place, Walla Walla, Dayton, North Yakima, Pomeroy, Richland, Granger, Farmington, Penawawa, Cle Elum, Wilcox, Endicott, Spokane, Douglas, Prescott, Burbank, St. John, Pullman, Pasco, Kennewick, Eureka, Turk, Addy, Myers Falls, and Kettle Falls, all in the State of Washington, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on the Philippines, to which was referred the bill (S. 2761) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for

other purposes," reported it with amendments and submitted a report (No. 83) thereon.

Mr. NELSON, from the Committee on Public Lands, to which was referred the bill (S. 2462) to cede jurisdiction to the State of Georgia over certain land in Fulton County, reported it without amendment.

REPORT ON SEIZURES OF COTTON.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution No. 49, submitted by Mr. WILLIAMS on the 23d ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That there be printed for the use of the Senate document room 1,000 copies of Executive Document No. 23, Forty-third Congress, second session, entitled "A Report of the Acting Secretary of the Treasury," in relation to the number of bales of cotton seized under orders of that department after the close of the war.

FEDERAL ANTITRUST DECISIONS.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate concurrent resolution No. 3, submitted by Mr. GORE on the 17th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 3,000 copies of the Federal antitrust decisions, 1890 to 1911, to be compiled by the direction of the Department of Justice, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

TEXTILE INDUSTRY OF THE UNITED STATES.

Mr. SMOOT. From the Committee on Printing, I report back favorably an article presented by the Senator from New Hampshire [Mr. GALLINGER] on the 12th instant, relative to the textile industry of the United States, and ask that it be printed as a public document. (S. Doc. No. 53.)

The VICE PRESIDENT. Without objection, the order to print will be entered.

ST. FRANCIS RIVER BRIDGE IN ARKANSAS.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill (S. 2766) to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River, in the State of Arkansas, and for other purposes, and I submit a report (No. 82) thereon. I ask unanimous consent for its present consideration.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PALMERS OR WARREN RIVER BRIDGE IN RHODE ISLAND.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill (S. 2732) to authorize the Providence, Warren & Bristol Railroad Co. and its lessee, the New York, New Haven & Hartford Railroad Co., or either of them, to construct a bridge across the Palmers or Warren River, in the State of Rhode Island, and I submit a report (No. 81) thereon. I call the attention of the Senator from Rhode Island [Mr. LIPPITT] to the bill.

Mr. LIPPITT. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Virginia.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BACON:

A bill (S. 2833) granting an increase of pension to John T. Peel (with accompanying paper); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 2834) granting an increase of pension to Chastina E. Hawley (with accompanying paper); and

A bill (S. 2835) granting a pension to David Black; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2836) granting an increase of pension to John W. Yount (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 2837) to amend an act entitled "An act to regulate commerce, as amended June 29, 1906, April 13, 1908, and June 18, 1910"; to the Committee on Interstate Commerce.

A bill (S. 2838) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico;

A bill (S. 2839) granting a pension to Elizabeth R. Griffith;

A bill (S. 2840) granting a pension to Caroline Kudebeh;

A bill (S. 2841) granting an increase of pension to James E. Houghland (with accompanying papers); and

A bill (S. 2842) granting a pension to Ellen G. Robison; to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 2843) for the relief of Ella O. Richardson; to the Committee on Public Lands.

By Mr. SMITH of Maryland:

A bill (S. 2844) to establish a commission to be known as the national forest demonstration and experimental commission, and to make an appropriation therefor; to the Committee on Agriculture and Forestry.

By Mr. CLARK of Wyoming:

A bill (S. 2845) to acquire certain land in Washington Heights for a public park, to be known as McClellan Park.

The VICE PRESIDENT. The bill will be referred to the Committee on the District of Columbia.

Mr. GALLINGER. I suggest that the bill go to the Committee on Public Buildings and Grounds, that committee having jurisdiction of parks in the District of Columbia.

The VICE PRESIDENT. Without objection, that reference will be made.

By Mr. POINDEXTER:

A bill (S. 2847) granting an increase of pension to Austin J. Marsh; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 2848) authorizing the sale of certain lands to the Dwight Mission School, on Sallisaw Creek, Okla. (with accompanying papers); to the Committee on Indian Affairs.

IMPROVEMENT OF RURAL DELIVERY ROADS.

By Mr. SIMMONS:

A bill (S. 2846) for experimental improvement of rural delivery roads by the Secretary of Agriculture in cooperation with the Postmaster General, for investigating the subject of Federal registration and license of automobiles used in interstate travel, and for other purposes.

Mr. SIMMONS. I ask that the bill may lie on the table, subject to my call; and I desire in this connection to give notice that on Friday next, after the close of the morning business, I will submit to the Senate some remarks upon the bill.

The VICE PRESIDENT. Without objection, the bill will lie on the table.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. BURTON. I submit two amendments intended to be proposed to the bill H. R. 2958, the pending publicity bill, which I ask may lie on the table and be printed.

The VICE PRESIDENT. Without objection, the amendments will lie on the table and be printed.

SENATE EMPLOYEES.

Mr. KERN. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 78) was read, as follows:

Resolved, That the Secretary of the Senate and the Sergeant at Arms of the Senate are hereby directed to retain in the employ of the Senate all of their appointees and employees who are capable and efficient, and to continue such persons in their positions until cause for their removal shall have been reported to and approved of by the Senate and their removal directed.

The VICE PRESIDENT. The Senator from Indiana asks for the immediate consideration of the resolution. Is there objection?

Mr. GALLINGER. I think it had better go over.

The VICE PRESIDENT. Objection is made.

Mr. GALLINGER. It ought to go to the committee.

The VICE PRESIDENT. The resolution will be referred to the Committee on Rules.

BLACK WARRIOR RIVER, ALA., IMPROVEMENTS.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the present consideration of the bill (S. 943) to improve navigation on Black Warrior River, in the State of Alabama.

I make this request because the Chief of Engineers says that the proposition embraced in the bill is a very important one, involving as it does material changes in the adopted project, and it is commended by the Board of Engineers as very important,

because the work is about to commence on the lock as to which the proposed change is to be made.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 9, after the word "proposed," to strike out "and the building of the said Locks 18 and 19 is hereby abandoned," so as to make the section read:

That for the purpose of improving navigation of the Black Warrior River above Lock 17 to Cordova and as far up said river as the foot of Sanders Shoals, 5 miles above Cordova and 56½ miles above Lock 17, and for the purpose of aiding and developing the water power at Locks 16 and 17, in cooperation with the Birmingham Water, Light & Power Co. (hereinafter styled "the company"), a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of developing the water power of said river and supplying the public with same, the Secretary of War is hereby authorized, in his discretion, to change the detailed plans and specifications for the construction of Lock and Dam 17 so as to increase the height of the pool level over the dam crest of Lock 17 to a height of 63 feet above the pool level of Lock 16, so as to render unnecessary the building of Locks 18 and 19, as now proposed.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 5, after the word "to," to strike out "terminate existing contracts at" and insert "enter into supplemental agreements with the present contractors for"; and in line 8, after the word "seventeen," to strike out "provided the construction of higher lock at Dam 17 is found advisable for the interest of the United States" and to insert "providing for the annulment of existing contracts or for their modification, so as to cover the work required for the construction of the higher lock and dam, as he may deem most advantageous for the interests of the United States," so as to make the section read:

SEC. 3. That the Secretary of War is authorized, in his discretion, to suspend operations during investigations and to enter into supplemental agreements with the present contractors for Lock and Dam 17, providing for the annulment of existing contracts or for their modification, so as to cover the work required for the construction of the higher lock and dam, as he may deem most advantageous for the interests of the United States.

The amendment was agreed to.

The next amendment was, on page 3, to strike out section 4, as follows:

SEC. 4. That the Secretary of War is hereby authorized to equip Locks 16 and 17 with electrical apparatus for operating gates and valves and lighting same.

The amendment was agreed to.

The next amendment was, on page 3, section 5 (4), line 17, after the word "of," to strike out "high locks and"; in line 21, after the word "of," to strike out "Lock and"; and, in the same line, after the word "seventeen," to insert "and such locks as may be necessary to overcome the lift between the pools created by Dams 16 and 17," so as to make the section read:

SEC. 4. That should the construction of dam at site 17 be found advisable the appropriations and authorizations heretofore made for the costs of locks and dams on the Warrior River shall be available for the construction of Dam 17 and such locks as may be necessary to overcome the lift between the pools created by Dams 16 and 17.

The amendment was agreed to.

The next amendment was, on page 5, section 6 (5), line 4, after the word "develop" to strike out:

From the water wheels delivering a minimum of not less than 80 per cent of the theoretical horsepower from the natural flowage of the river at and during the dry season, upon the basis of a minimum of 1,200 horsepower daily per annum at Lock 16 and 2,000 horsepower daily per annum at Lock 17; the payment for such power so created at each lock to begin one year after the lock is finished and ready for transportation and power.

And insert:

From the normal flow of the river, for a period of 20 years, which rate shall be subject to readjustment by the Secretary of War at the end of that period and thereafter at the end of every 10-year period; and payment for the power created at each lock shall begin one year after the lock shall be finished and ready for transportation and power, and shall be made on the basis of a minimum of 1,200 horsepower daily per annum at Lock 16 and 3,800 horsepower daily per annum at Lock 17.

And, on page 6, line 4, after the word "rights," to strike out "on" and insert "over"; in the same line, after the word "lands," to strike out "to" and insert "that will"; in the same line, after the word "temporarily," to insert "or permanently"; in line 8, after the word "assigns," to strike out "beginning with the year 1920"; in line 11, after the word "the," to strike out "three thousand two hundred" and insert "five thousand"; in line 24, after the word "that," to insert "beginning with the year 1920"; in line 25, after the word "minimum," to strike out "power" and insert "rental"; on page 7, in line 2, after the word "be," to strike out "equal to"

and insert "on the basis of," and, in the same line, after the word "horsepower," to insert "and the contract shall further provide that the works herein contemplated, including the storage reservoirs, shall be commenced within 1 year and completed within 10 years from date of approval hereof," so as to make the section read:

SEC. 5. That for the purpose of securing the performances and obligations of the company imposed by this act the Secretary of War is authorized and empowered to enter into a contract with said company for the purpose of more efficiently carrying out the stipulations and performances herein mentioned. And it shall be provided in said contract that for and in consideration of the aid to and improvement of the system of navigation of the Black Warrior River by the company from the construction and operation of its plant and works, the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 99 years, electrical power stations and other structures, including turbo-generator intakes, equipped with double gates and valves at a level in said dam with the turbine water-wheel penstocks, for the development of water power for industrial and other purposes, and for converting to its own use, benefit, and profit the power created with the surplus water not needed for lockage, including the right to sell, lease, or otherwise dispose of said power to persons and private and municipal corporations and associations: *Provided*, That the company shall furnish, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks, gates, and valves, and for the lighting of the Government stations and houses situated at said locks. And the said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power at Dams and Locks 16 and 17 at the rate of \$1 per annum per horsepower realized and developed from the normal flow of the river, for a period of 20 years, which rate shall be subject to readjustment by the Secretary of War at the end of that period and thereafter at the end of every 10-year period; and payment for the power created at each lock shall begin one year after the lock shall be finished and ready for transportation and power, and shall be made on the basis of a minimum of 1,200 horsepower daily per annum at Lock 16 and 3,800 horsepower daily per annum at Lock 17: *And provided further*, That the company shall have ingress and egress over Government lands for the construction and operation of its plants and works and the right to use Government lands at or near said locks for the erecting of power houses and appurtenances in connection therewith. It shall be provided further in the contract that the company shall transfer to the Government flowage rights over all lands that will be temporarily or permanently overflowed in connection with said improvements of Lock and Dam 17. It shall be further provided in said contract that the company, its successors and assigns, shall pay to the Government an additional rental or royalty of 50 cents per horsepower per annum for all power sold in addition to the 5,000 horsepower above mentioned for additional power created at Locks 16 and 17 by the company's storage and impounding dam, power stations, and works, to be located at the head of Sanders Shoals, on the Black Warrior River, and more particularly described as being in the center of section 23, township 14, range 6 west, in the northeast corner of Walker County, Ala., 56.3 miles above Lock 17; the Government to have free access to the company's books and power and curve load sheets for the purpose of ascertaining and calculating the amount of additional power produced and sold by the company from its storage reservoirs at said locks, it being understood that, beginning with the year 1920, the minimum rental to be paid for to the Government by the company shall be on the basis of 15,000 horsepower. And the contract shall further provide that the works herein contemplated, including the storage reservoirs, shall be commenced within 1 year and completed within 10 years from date of approval hereof.

The amendment was agreed to.

The next amendment was, in section 7 (6), page 7, line 13, after the word "Sixteen," to strike out "but may draw down" and insert "nor shall"; in line 14, after the word "Seventeen," to strike out "3 feet, this being the minimum pool level, Dam 17 being built with flashboards 3 feet higher than necessary for navigation, this additional 3 feet of height to be used as a storage supply for water-power purposes," and insert "be drawn down below 63 feet above the crest of Dam 16, but in order to create a storage surplus for water-power purposes, the Secretary of War may, in his discretion, permit flashboards or a removable crest not exceeding 3 feet in height to be installed on Dam 17 by the company, at its own expense"; on page 8, in line 2, after the word "be," to insert "executed"; in line 5, after the word "and," to insert "to"; in line 8, after the word "and," to strike out "for the securing of" and to insert "to insure"; in line 9, after the word "performance," to strike out "on the part of" and insert "by"; in line 11, after the word "require," to strike out "of"; in line 12, after the word "company," to strike out "the execution of" and insert "to execute"; and in line 13, after the word "as," to strike out "shall be approved by the Secretary of War, and conditioned upon the faithful performance of all the terms and conditions imposed upon it by said contract" and insert "he may determine to be necessary," so as to make the section read:

SEC. 6. That in the exercise of the authority granted to the company herein or by said contract the company shall conform to such regulations as may be imposed by the Secretary of War for the protection of navigation and of the property and other interests of the United States. The company shall at no time disturb the pool level made by the erection of Dam 16, nor shall the pool level of Dam 17 be drawn down below 63 feet above the crest of Dam 16, but in order to create a storage surplus for water-power purposes, the Secretary of War may, in his discretion, permit flashboards or a removable crest not exceeding 3 feet in height to be installed on Dam 17 by the company, at its own expense; and at no time shall the company make any claim against the United States for failure of water power from any cause whatsoever. That the work and improvements herein provided for shall be executed under the direction and with the approval of the Chief of Engineers

and the Secretary of War, the structures provided for being always subject to the provisions and requirements of this act and to such stipulations as may be imposed by Congress or by the Secretary of War for the protection of navigation and property and other interests of the United States; and to insure the performance by the company of the acts and obligations imposed upon it by said contract, the Secretary of War may require the company to execute a bond in such an amount and with such surety as he may determine to be necessary. Whenever the company shall have acquired and transferred to the United States Government all lands to be flooded and temporarily overflowed and erected power stations sufficient to supply the Government with all necessary power to light and operate said locks, so much of said bond as was required for the performance of said acts shall cease or be reduced to an amount not to exceed \$50,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 7, to insert a new section as follows:

SEC. 10. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

Mr. BURTON. Mr. President, there is a rather trivial amendment which should be made. On page 8, line 11, after the word "require," I move to strike out the word "of."

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, it seems to me that this is rather an important bill to be hurried through at this time. I have not had an opportunity to look over it. I should like to have some explanation of the bill from the Senator in charge of it.

Mr. JOHNSTON of Alabama. I shall be very glad to give it. This is a very important bill in regard to the navigation of the Black Warrior River and the development of water power there. The present plan is to build a dam there of 63 feet and to build Locks 18, 19, and 20, each of 21 feet. This bill proposes to establish and build a high dam at Lock 17, which will back up the water of the river entirely to the railroads that pass over the river and beyond where it is contemplated in the present project. It will cost, the Board of Engineers estimate, about \$150,000 more to build the dams, but the Government will receive a revenue of about \$15,000 a year from the use of the water power. The completion of the project for the creation of the water power referred to will greatly facilitate the transportation of products from Birmingham to the Gulf.

Mr. SUTHERLAND. Let me ask the Senator, does the bill undertake to recognize the right of the Federal Government to sell and dispose of the water—

Mr. JOHNSTON of Alabama. No; not at all.

Mr. SUTHERLAND. Or the water powers of the State?

Mr. JOHNSTON of Alabama. Not at all. It is in accordance with the provisions of the act passed by Congress in regard to fixing the rate or charge for the additional height of the dam that produces the power.

Mr. SUTHERLAND. Mr. President, I should like to look into this bill, and I ask that it may go over.

Mr. JOHNSTON of Alabama. I want to say to the Senator that the bill is unanimously indorsed by the Board of Engineers and by the Chief Engineer of the Army, who speak of it as being highly important that it be acted on immediately.

The VICE PRESIDENT. The bill can not go over on an objection, for it is being considered by unanimous consent. It has not been reached in the regular order.

Mr. JOHNSTON of Alabama. All of the amendments to the bill which have been agreed to have been suggested by the Board of Engineers, and have been so framed as to make it entirely satisfactory to the Government.

Mr. NELSON. Will the Senator from Alabama allow me to make a suggestion?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. JOHNSTON of Alabama. Yes.

Mr. NELSON. I want to state that this bill was referred to the War Department and to the Board of Engineers, and all the amendments which have been agreed to have been suggested by the Board of Engineers. There is a report on the bill from that board recommending its passage. The questions involved in this bill are not such as relate to the water-power question in the West at all.

Mr. JOHNSTON of Alabama. Not at all.

Mr. NELSON. They do not have any bearing on those questions in which I know the Senators from the Pacific coast and mountain States are interested.

Mr. DIXON. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Montana?

Mr. JOHNSTON of Alabama. Certainly.

Mr. DIXON. Mr. President, I rise, really, to inquire generally about the same matter which the Senator from Utah [Mr. SUTHERLAND] and the Senator from Minnesota [Mr. NELSON] have referred to. As I listened to the reading of the bill, it

empowers the Federal Government to receive revenue from the water power of an Alabama river.

Mr. JOHNSTON of Alabama. Yes.

Mr. DIXON. Is that correct?

Mr. JOHNSTON of Alabama. Water power created by the Government work.

Mr. DIXON. Created by the Federal Government?

Mr. JOHNSTON of Alabama. Yes.

Mr. DIXON. But, as I have always understood the matter, the waters of a nonnavigable stream, and even those of a navigable stream, belong to the State in which that stream is situated.

Mr. JOHNSTON of Alabama. I understand that perfectly.

Mr. DIXON. Does this bill contemplate the inauguration of a new policy on the part of the Federal Government to sell water power within the limits of the State where the water belongs to the State?

Mr. JOHNSTON of Alabama. Not at all. It provides for the constructing company to put up the reservoir to impound the water of the river to make navigation more perfect, and to contribute to the increased cost of building the dam. Only \$150,000 increased cost is recommended by the engineers, and the revenue, it is supposed, will be from \$10,000 to \$25,000.

Mr. DIXON. Does that revenue flow to the Federal Government?

Mr. JOHNSTON of Alabama. It flows to the Federal Government through a company chartered by the State to do this work.

Mr. DIXON. Why should not that revenue go to the State of Alabama?

Mr. JOHNSTON of Alabama. Because the State has already given this power to the company, and they have transferred it to the Federal Government.

Mr. BURTON. Mr. President, I think what the Senator from Montana has in mind is this: What is the reason why any license should be paid to the Federal Government?

Mr. DIXON. Yes; for water power in Alabama.

Mr. BURTON. The water power is created as an incident by dams constructed for the purpose of promoting navigation. Those dams are constructed by the Federal Government. This bill involves no new policy. On the Kentucky River and on the Muskingum River the Government for many years past has been receiving rental for water power created by its dams constructed for the purpose of navigation.

Mr. DIXON. But does not that recognize the title of the Government to the water?

Mr. BURTON. I do not think so at all. It recognizes, where the Government builds a dam and creates a water power which would not otherwise exist, that it has the right to charge for it.

Mr. SUTHERLAND. Let me ask, does the Government build this dam?

Mr. BURTON. The Government builds this dam. There are proposed additions to it in the way of flashboards, and so forth, which the Secretary of War may, in his discretion, allow those who are utilizing the water power to build. All the expenses for the dam proper are borne by the Federal Government in carrying out the plan to canalize the Black Warrior River, a plan adopted nearly 20 years ago.

Mr. SUTHERLAND. I have looked over the bill very hastily, and it seems to me to go entirely beyond the mere authority of the Government to deal with the subject of navigation. It seems to recognize the right of the Federal Government to dispose of water and water power in the stream.

Mr. BURTON. Not except as created by Government construction in the way of dams or locks erected primarily for the purpose of navigation.

Mr. SUTHERLAND. Section 6 of the original bill provides—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. JOHNSTON of Alabama. Certainly.

Mr. SUTHERLAND. If the Senator will permit me to finish. Section 6 of the bill provides:

That the company shall furnish, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks, gates, and valves, and for the lighting of the Government stations and houses situated at said locks. And the said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power at Dams and Locks 16 and 17 at the rate of \$1 per annum per horsepower realized and developed.

As I say, I have not had time to go over the bill.

Mr. BURTON. Certainly, two provisions are contained in section 6, just read, which are in accordance with policies already adopted. First, it is made a condition in all cases where the

Government grants the right to a private company or individual to utilize water power created by Government dams, the company shall furnish the power for the operation of the locks connected with such dams.

The second feature which the Senator from Utah mentions is also one already in vogue, that a certain rental per horsepower shall be charged in such cases. It would be quite unjust to say that the Government should construct these dams at a great expense—endeavoring to improve rivers through a hilly country, where locks and dams are necessary, and put such rivers on the same footing with the improvement of a river through a level country—and receive no revenue by reason of the expensive construction of the locks and dams.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from California?

Mr. JOHNSTON of Alabama. I do.

Mr. WORKS. I should like to explain to the Senator from Utah that if there should be any assumption of the right on the part of the National Government to deal with the water, that would in no way affect or bind the legal claimants to the water in the stream. It can only dispose of whatever rights it may have in the water, as suggested by the Senator from Ohio [Mr. BURTON]. Certainly, no action taken by the National Government in this way could bind any legal claimant to the water or his right either as an appropriator or as a riparian owner.

Mr. NELSON. Mr. President, if the Senator will allow me, I will state that this bill does not involve the principle which governs where a private individual or a private company constructs a dam and the Government seeks to obtain payment for the water. I have been utterly opposed to that proposition; but this is a case where the Government constructs a dam in aid of navigation, and as an incident to it there is a water power, and the Government, on account of the expense it has been put to, charges for the use of that water. That is all that is involved in this bill, which is carefully guarded by the amendments which have been suggested by the War Department.

Mr. DIXON. Mr. President, while I had intended to ask that the bill go over, under the explanations made I have no further objection to it.

Mr. SUTHERLAND. The explanation just made by the Senator from Ohio [Mr. BURTON] and the Senator from Minnesota [Mr. NELSON] is satisfactory to me. I did not at first understand the bill, because it is a long bill and there has been no opportunity of reading it. I simply caught a fugitive expression here and there, and I do not want to give my vote to any bill which will recognize the right of the Federal Government to dispose of the waters or the water powers in any State.

Mr. JOHNSTON of Alabama. I agree perfectly with the Senator from Utah, and I myself shall stand against any such proposition.

Mr. HEYBURN. Mr. President, the power of the Government to the use of streams is limited to navigation purposes. It is perfectly proper for the Government to improve a stream in order that it may be made navigable. The Government's function is complete when it has created the navigation or aided it. The sale of water is something entirely disconnected from the creation of navigable conditions in a stream, and I am not able to see why the Government may charge anyone for the use of water after it has performed the function of creating a navigable stream. The title to water can not be acquired by anyone; it is the title to the use of the water that may be acquired, and not to the water itself.

The Government having impounded the water may use it to the limit of the purposes contemplated by the Constitution, but not beyond. The Government has no legal right to sell this water to anyone or to charge for its use, because, upon the face of the bill, it is a measure in the interest of the promotion of navigation. That being effectuated, the power of the Government ceases. I do not feel inclined to go into that question further than to make the suggestion this morning. It is a question of very great importance.

Mr. BURTON. Will the Senator permit me?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. HEYBURN. I do.

Mr. BURTON. I would suggest to the Senator from Idaho that the question raised by him has been repeatedly decided both by the State and by the Federal courts. I think the case of the Kakauna Water Power Co., of Wisconsin, in the Supreme Court of the United States, is one of them. The tenor of these decisions is that where the right is given to create navigation, and where, as an incident to the exercise of that right, water

power is created, the Government, or, indeed, a private corporation owning the franchise, can utilize the water power or sell it.

Mr. HEYBURN. The question is, Where can it utilize it; at what point? The decisions are uniform that after the Government has accomplished the purpose which it is authorized to effectuate anyone may locate water rights under the laws of the State, not under the laws of the United States, for the United States Government has no law under which water rights may be located.

Mr. BURTON. Suppose, however, in the construction of an important public work dams are constructed and water is impounded, and in the liberation of that water, water power is created, is there any reason why the Government should not receive compensation for it? The water power is a necessary and inevitable incident of the improvement.

Mr. HEYBURN. But this bill is not within that question.

Mr. BURTON. I think it is.

Mr. HEYBURN. The improvement authorized is not created for any other than navigable purposes, because the bill says so.

Mr. ROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. Certainly.

Mr. ROOT. May not the power have been created with a view to the fact that the cost may be materially reduced by the application of the proceeds of the power created?

Mr. HEYBURN. There is no law on the subject.

Mr. ROOT. That is, may it not be that a very salutary improvement may depend upon the fact that its creation would not be all a matter of expense, but that it would, while improving navigation, at the same time pay for itself in some part by the creation of a disposable water power? Is it not desirable that that view should obtain?

Mr. HEYBURN. Mr. President, the Senator is appealing to the law of expediency, but there is no law of the land under which that can be done. It might be that such a law could be enacted, but there is no existing law; and the only rule to which the Senator's reasoning applies is that of expediency, as to whether such a law should not exist. None exists to-day.

Mr. ROOT. But we can make one, and do we not make one if we pass the bill of the Senator from Alabama?

Mr. HEYBURN. That is what I am afraid of. If that bill can not be invoked in the future as a basis for establishing the right of the Government in relation to water, I would have no word to say about it, but I listened very carefully to the reading of it—

Mr. JOHNSTON of Alabama. I want to ask the Senator if he does not think the State has the right to the water?

Mr. HEYBURN. Absolutely.

Mr. JOHNSTON of Alabama. This is confined to the corporation that is named in this bill. It is to impound the water above where it is backed up by this dam, to preserve the navigation of the river all the year round, and to improve it in that way.

Mr. HEYBURN. Under the authority of State legislation?

Mr. JOHNSTON of Alabama. Under the authority of State legislation.

Mr. HEYBURN. Why should the State legislation be supplemented by an act of Congress?

Mr. JOHNSTON of Alabama. It is because the original proposition provided for the construction of a dam 31 feet high and for one lock. Now it is proposed to build a dam 63 feet high and put in three locks at that place.

Mr. HEYBURN. Why do we not stop with conferring the power to build the dams 63 feet high? Why is it necessary to invade this other very dangerous field?

Mr. JOHNSTON of Alabama. I do not think there is any danger at all, because no water is diverted from the river—not one particle. It will improve the navigation of the whole length of the river to the Gulf.

Mr. HEYBURN. If I could be convinced that the suggestion of the Senator from New York [Mr. Root] that this bill might be the initiation of a construction to be placed upon the law authorizing the Government to sell water is not to be acquiesced in I would not raise my voice in this matter. But it is in order to be sure that that will not be done that I want the record which will accompany the passage of this bill to show that Congress did not consider this as the initiation of, or recognition of, a new principle.

Mr. JOHNSTON of Alabama. I agree perfectly with the Senator from Idaho in that.

Mr. ROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. Certainly.

Mr. ROOT. There is a further consideration, though perhaps not a very important one. These works have to be maintained, and, if they have to be maintained, it is certainly good policy to so provide that they may take care of themselves without being a continual burden upon the Public Treasury. The application of the water power that is created by them to the maintenance of the project certainly would seem to be desirable.

Mr. HEYBURN. That is still the law of expediency.

Mr. ROOT. Yes; it is.

Mr. HEYBURN. But not the law of the land.

Mr. ROOT. But of importance as a matter of expediency.

Mr. HEYBURN. I only rose in order to perfect the record in this case. Were I convinced or did I think that this would be, as is suggested by the Senator from New York, considered as entering upon a new system, which recognizes the right of the Government to charge either a State or the citizens of a State for the right to use the water flowing in a public stream, I should perhaps be much more insistent in my opposition to it. I think the Senator from Alabama is in accord with the views I have expressed.

Mr. JOHNSTON of Alabama. Thoroughly.

Mr. HEYBURN. And I want the record to show that this is not to be taken as a recognition by Congress of the right to make such charges.

Mr. JOHNSTON of Alabama. I should not have introduced the bill if I had thought it accomplished such a purpose as that.

The VICE PRESIDENT. Without objection, the amendments will be agreed to.

Mr. BACON. I should like to ask the Senator from Idaho a question for information. In what way does the construction put upon it by the Senator relieve the bill from the express stipulations that a certain amount shall be paid for the water? I am asking for information.

Mr. HEYBURN. There are so many interruptions and there is so much noise—

The VICE PRESIDENT. The Senate will please be in order.

Mr. HEYBURN. That I am not quite sure that I caught correctly the question of the Senator from Georgia. Will the Senator kindly state the question again?

Mr. BACON. I understood the objection which the Senator urged was that the Federal Government had no such property interest in the water as would enable it either to sell or lease the water power. Then I understood the Senator to have suggested some construction of this bill which would avoid that conclusion.

Mr. HEYBURN. I am far from being satisfied that a construction of this measure would not, if it were to be taken as a precedent, as in a case in court, lead to the conclusion that the Government would not hereafter claim the right to sell the water in public streams. No one has title to water flowing in public streams. That was established by the Supreme Court at an early day, and that has been the law, and it is not controverted. No title exists in the water. It is only in the use of power. That is a clearly defined difference. Now, in this case, as I understand the bill, the Government is proposing to sell the right to use the water because it has impounded it, for an entirely different purpose, having it on hand, so to speak.

According to the law of expediency invoked by the Senator from New York [Mr. Root], it says, "Having this water on hand, we might as well make some use of it." But the law of the land says that that does not authorize any use of it except in pursuance of the laws of the State; and it is a serious question; and if this bill passes I want it to pass with this record, so that hereafter the discussion invoked by the submission of the bill may always tend to explain the position of Congress in enacting such a bill.

Mr. BACON. Before the Senator from Idaho takes his seat I wish to ask him a question. I am seeking light; I am as anxious as is the Senator to assist, if I can, the Senator from Alabama in the matter without compromising what I consider to be a serious principle. I desire to know in what way has the Senator reconciled himself to it, in order that I may see if I may, pursuing the same road, reach the same conclusion.

Mr. HEYBURN. I am not reconciled to it, and my vote will perhaps indicate that.

Mr. BACON. In what way does the Senator propose that our action to-day shall not be taken as a precedent?

Mr. HEYBURN. Well, Congress does not establish precedents that are as binding as in the case of decisions of courts.

Mr. BACON. I understand that; but I understood the Senator to say that a certain construction was going to be announced, for which we have to answer in the future, whenever a similar right may be sought to be exercised.

Mr. HEYBURN. Not necessarily a precedent, but that the question shall still be open when presented on another occasion.

Under the law of Alabama, or any other State of the Union, the water flowing through these locks or over that dam is subject to appropriation by any citizen of the State. Congress can not take away that right. There is not a State which has not protected that right in its citizen.

Mr. BACON. I can perceive of certain arrangements which might be made which would avoid this difficulty. I recollect that a colleague of the Senator in a former Congress proposed that dams should be constructed at the joint expense of the Government and some private enterprise, with the stipulation that, having joined in the construction of the dam, the parties thereafter should have the right to use the water, the assumption being of course that it was their own land. If the parties owned the land, they would have the right to use the water.

Mr. HEYBURN. I thought it was in the nature of a loan, to be repaid, and did not come to the question of the title to the use of the water. For instance, in the reclamation act, the Government only loans the money. It does not become the proprietor. It becomes the agent only, and the money is repaid to the Government. That does not involve the question of title. But in this case the question of title seems to be involved.

Now, let me give a concrete instance in regard to this use of water: Should the Senator from Georgia or any other person build a dam in a stream in which the water was flowing through the State, for the purpose of diverting the water to create power, the surplus water running over the dam could be appropriated or located by any person. He has no title to it at all. That is the universal law, and there is no decision to the contrary.

You may go to the end of a tailrace, below a mill in which the power is generated and located, and nothing can prevent you. The water has been released from the control which was obtained under the appropriation as soon as it has passed the line. For instance, the water flowing over the spillway of a dam is subject to appropriation by any other citizen. No title vests in the person owning the dam. He has built the dam for the purpose of creating power, and may use it to the extent of his purpose or his right under the law.

This is an interesting point: Though a man may claim in his location 5,000 inches of water, if the conduit which he describes in his location notice—and he must describe it—will convey only 1,000 inches, he takes title only to the use of 1,000 inches of water. That is the universal law.

If a man builds a dam to any water in excess of that necessary for the purpose for which he builds it, he obtains no title. In this case there is evidently more water than is used for the purpose of navigation, and the Senator describes it—several Senators have—as incident to the creation of navigation, or the maintenance or aid of navigation. The fact is that the locator has not any title to the excess water above that which is necessary to properly fulfill the purpose for which the location is made.

Mr. SMITH of South Carolina. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Yes.

Mr. SMITH of South Carolina. I am extremely interested in this matter. In the bill I read this clause:

And the said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power at Dams and Locks 16 and 17 at the rate of \$1 per annum per horsepower—

It specifies it at the rate of \$1 per annum per horsepower—at the rate of \$1 per annum per horsepower realized and developed.

This is a specific case. Would that not establish the precedent that the Government might at any place where it had created a dam for the purpose of navigation raise the dam and charge this rental as covering its cost, as incidental or expedient, as indicated by the Senator from New York. Could not that be used for that purpose?

Now, I understand that this bill provides for a specific case, bearing on a specified location, and therefore is not intended to have general application. But why should it be done? Are you going to admit the right of the Government to raise a dam and increase the water power above the necessity of water for the use of navigation, and contend that it is then entitled to a rental for the water power throughout any State on any public stream?

Mr. HEYBURN. I do not think the Government has the power to create a right of that kind. The State can afford to its citizens through legislation the right to locate this surplus water, and no action by Congress could prevent a State from doing it, because the State has control of the water.

All of the great States have legislative enactments authorizing the location of water rights, and after this dam is raised to the height contemplated the citizens of Alabama can go in there, notwithstanding the fact that the Government is seeking to sell the water, and locate it. They could in the West, and under the law of Alabama I think probably they could. The courts of Alabama would undoubtedly hold that the right of a locator under the laws of the State was superior to the right of a person claiming under a contract with the Government, because the Government is selling something that it has no right to sell and to which it has no title.

The VICE PRESIDENT. The question is, Shall the bill be ordered to be engrossed for a third reading and read the third time?

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. HEYBURN. I merely desire an opportunity to vote against the bill.

Mr. CLARK of Wyoming. Mr. President, I do not rise to discuss the bill. I shall vote "nay" upon the question of the passage of this bill, for I recognize no right in the General Government, by the Constitution or otherwise, to perform the functions proposed by the bill.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. BACON. Mr. President, of course I recognize that the building of these dams creates an opportunity for the use of the water power, and I am perfectly in accord with the desire that some scheme may be devised by which this water power may be used. At the same time I am not willing to concede that the Federal Government has the right to sell the water power of a stream within a State.

Mr. BAILEY. It does not belong to the Government.

Mr. BACON. As the Senator from Texas says to me, it does not belong to the Government. It belongs to the State or the riparian owner. If the Senator from Alabama will take his bill and so recast it that that difficulty shall be avoided, I shall be glad to give it my support; but I think that is a most vital principle, which it is dangerous to disregard.

It may be that the bill can be passed without that difficulty being remedied, but I desire to say that I can not vote for it, for the reason I have stated. At the same time I wish to add that I recognize the importance of the utilization of this power; and if there are conflicting rights of any kind or doubtful rights in the matter and the bill can be withheld so this vital principle shall not be contravened, I shall be glad to give it my support.

Mr. SMITH of South Carolina. I should like to make an observation with regard to the bill. If these locks are necessary for navigation, the National Government is amply able, and it has every right, to construct just such dams as to make the river navigable; but I will not vote for a bill which, in order to induce the National Government to improve any public stream and improve the navigation of the stream by virtue of the increased improvement, gives it the power to usurp the rights of the State. That is what this bill proposes to do—that by virtue of the Government creating a larger lock, and a greater water power, in order to reimburse it for this extra expense, it shall be given control over the water for other purpose than navigation.

If the Senator from Alabama will meet the question suggested by the Senator from Georgia, or recast his bill so as to separate the private or State rights to this power from those of the Government, I believe the bill will receive the support of this body.

Mr. REED. Mr. President, I have not had the opportunity to examine this bill with any degree of care. I would very much like if it could go over until to-morrow or next day, in order that all Senators may have an opportunity to give it further consideration. I dislike very much to oppose the bill introduced by the Senator from Alabama, but I dislike a great deal more to vote for a bill that, from a surface examination, such as I have been able to make, may not only establish a bad precedent, but, I am afraid, has other evils, if not connected with it, evils which may flow out of it.

In a few moments' time only I want to call attention to one or two matters. To begin with, if I understand the bill from a hasty reading, it proposes to enter into a contract, and the bill we are now passing is in some respects similar to a franchise granted by a municipality to some corporation desiring to operate therein.

If we are to concede that the Government of the United States is to begin the business of improving streams, building

dams, and renting the property or the power out, then it seems to me perfectly patent that that grant should not be made to some one company without permitting all companies who may desire to bid for that power to have an opportunity to offer their bids, so that the best possible price can be obtained.

Mr. PENROSE. Mr. President, will the Senator yield to me for a moment?

Mr. REED. Certainly.

Mr. PENROSE. I do not desire to interrupt the Senator from Missouri if he wishes to continue his remarks on the pending measure, but as he has suggested that he would prefer to have the bill go over, if he is willing to yield to me for that purpose I will move that the Senate proceed to the consideration of the reciprocity bill.

Mr. LODGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Massachusetts will state it.

Mr. LODGE. The bill is not open to objection?

The VICE PRESIDENT. It is not. It is under consideration by unanimous consent.

Mr. LODGE. And it has been ordered to be engrossed and to be read the third time?

The VICE PRESIDENT. It has been ordered to be engrossed and to be read the third time.

Mr. LODGE. The question is on its passage?

The VICE PRESIDENT. The question is on its passage.

Mr. HEYBURN. Mr. President, a parliamentary question. The amendments have not been concurred in in the Senate?

The VICE PRESIDENT. Oh, yes.

Mr. LODGE. The amendments have been concurred in.

The VICE PRESIDENT. And the bill ordered to be engrossed.

Mr. LODGE. The question is on its passage.

Mr. HEYBURN. I think those who have given consideration to this matter would like to have the amendments voted upon separately, because, as I understand it, and I ask the Senator from Alabama to correct me if I am mistaken, the amendments contain all the provisions with reference to the price to be paid for the use of water.

Mr. JOHNSTON of Alabama. No; they do not.

Mr. HEYBURN. As I heard the amendments read I think many of them refer to that question. I think the bill had better go over.

Mr. PENROSE. If the Senator from Missouri is willing to yield to me for the purpose, I understand that my motion will be in order. If it is entirely agreeable to the Senator, I would suggest that the bill shall go over to another day, that we may proceed to the consideration of the reciprocity bill.

Mr. LODGE. Mr. President, a parliamentary question. That can only be done on motion?

Mr. PENROSE. I have made the motion.

Mr. LODGE. I beg the Senator's pardon.

Mr. JOHNSTON of Alabama. I hope the bill will not go over—

The VICE PRESIDENT. The Senator from Missouri [Mr. REED] has the floor and yielded to the Senator from Pennsylvania. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED. Certainly.

Mr. JOHNSTON of Alabama. I hope the bill will not go over, because the project of completing the improvement for navigation on Black Warrior River is held up pending action on this bill; and if it is passed in the present shape, adopting the recommendation of the Board of Engineers and the Chief of Engineers, who state that it will vastly improve the navigation and put up the trade to the railroads stretching out from Birmingham, producing millions of tons of trade. It can be completed in a little over one year, whereas it would take three years to finish the project as originally contemplated.

I will say to the Senator from Missouri that the bill recognizes the right of the State to control the surplus water, and it is the corporations organized by the State who will expend over a million and a half dollars for the purpose of impounding the waters above the dam in order to continue the flow for navigation during the dry season. I hope very much that the bill will not go over.

Mr. SMITH of South Carolina. I should like, with the permission of the Senator from Missouri, to ask the Senator from Alabama to explain clearly, so that I may understand it, why this rental should be proposed to be paid to the Government of \$1, as here stipulated in line 25 on page 6 and lines 1 and 2 on page 7?

Mr. JOHNSTON of Alabama. Simply because the Government is raising the dam from 21 to 63 feet.

Mr. SMITH of South Carolina. Is the Government raising the dam for the purpose of improving navigation or to furnish this power?

Mr. JOHNSTON of Alabama. For the purpose of improving navigation purely. The engineers say it is the best plan that can be devised for improving the navigation of the river, but incidentally it creates a water power, and the State having the right to the surplus water not needed for navigation, this right is conferred upon this corporation.

Mr. SMITH of South Carolina. I ask, and I am asking, a question seriously for information. Why, then, should the proposition be made to give the Government \$1 per so many horsepower?

Mr. JOHNSTON of Alabama. I say it is because of the increased cost of the improvement.

Mr. SMITH of South Carolina. Therefore the proposition is, in order to get the Government to raise the dam to create this water power, it is to be reimbursed, when, by raising the dam creating the water power, it will also increase the navigability of the stream.

Mr. JOHNSTON of Alabama. It certainly will. It is a mere incident to it. The power is developed.

Mr. SMITH of South Carolina. I should like to ask, with the permission of the Senator—

The VICE PRESIDENT. The Senator from Pennsylvania made a request of the Senator from Missouri. Does the Chair understand that that request was declined?

Mr. REED. No, Mr. President; I was not given the opportunity to accept it or decline it, because other Senators rose to ask questions. I would have preferred finishing the sentence I was uttering, but I am quite content that it shall stop here and that the Senator from Pennsylvania shall be recognized to make his motion. I did think it was only proper to allow these interrogatories to be made, and I am—

Mr. SMITH of South Carolina. With the permission of the Senator—

The VICE PRESIDENT. The Chair recognizes the Senator from Pennsylvania, if the Senator from Missouri yields the floor.

Mr. PENROSE. I would not persist in the motion if I thought it would delay the bill in which the Senator from Alabama is interested. I believe it to be a meritorious measure, but I think there is evidently enough opposition to the bill to make it evident that he will get it through speedily by letting it go over a day and permitting Senators to have an opportunity to examine it. Therefore, with the consent of the Senator from Missouri, I move that the Senate proceed to the consideration of the reciprocity bill.

RECIPROCITY WITH CANADA.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the Senate proceed to the consideration of House bill 4412.

Mr. SMITH of South Carolina. I wish to suggest that the very purpose for which I rose was to ask—

The VICE PRESIDENT. The motion is not debatable. The motion is in order, and it is not a debatable motion. The Senator from Pennsylvania moves that the Senate proceed to the consideration of House bill 4412.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. ROOT. Mr. President, on the 26th of January of this year the President sent to Congress a message in writing, accompanied by papers entitled "Correspondence embodying an agreement between the Department of State and the Canadian Government in regard to reciprocal tariff legislation"; also statistical data to show the effect of the above agreement upon the commerce and revenues of the United States and the Dominion of Canada.

The President in his message recommended legislation by Congress in accordance with the provisions of the agreement embodied in the correspondence thus transmitted by him. The bill which is now before the Senate, House bill No. 4412, is entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes"; and throughout the greater part of the bill; that is to say, down to the end of section 1, on the twenty-third page, the bill does follow the agreement which is described as between the Department of State and the Canadian Government in regard to reciprocal tariff legislation.

The action of the President in bringing before Congress this subject affecting the foreign relations of the United States in this manner has been the subject of criticism to some extent

in the public press and to some extent upon the floor of either House of Congress. I should not refer to this criticism were it not that it has received the dignity and authority derived from the advocacy of the distinguished senior Senator from Minnesota [Mr. NELSON], whose solid and sterling qualities we all recognize and admire.

I wish to submit to the Senate, sir, that the President has followed a course in bringing this subject before Congress which was entirely within his power, which was in accordance with precedents, and which was strictly in accordance with official propriety.

The agreement between the Department of State and the Canadian Government has been spoken of as a treaty. It is in no sense a treaty. It is one of those informal, temporary, and preliminary arrangements between the executive branches of two Governments which are exceedingly common and which are necessary for the effective conduct of negotiations regarding international affairs.

For example, in the year 1890, when the dispute between this country and Great Britain regarding the Alaskan boundary was at its height, the State Department entered into an agreement with the Government of Great Britain fixing the line on either side of which the jurisdiction of the respective countries should be recognized until such time should elapse as to make it possible for a final and definitive settlement of the controversy to be reached. That was not a treaty. It destroyed no property or jurisdiction and it created none, but it was a necessary arrangement in order that while the two Governments, through their constitutional treaty-making powers, were settling the question there might not be controversy and bloodshed. That controversy was ultimately settled by a treaty between the two countries for a tribunal to hear and determine the question, and that question has been heard and determined and has passed into history.

In 1906, when the controversy as to the rights of our fishermen upon the treaty coast of Newfoundland was rife, the Department of State and the Government of Great Britain entered into an agreement as to what the colonial authorities of Newfoundland should be permitted to do and should not do, as to what American fishermen should do and should not do. It was not a treaty, but it was an agreement between these executive branches of the two Governments temporary and preliminary to a final settlement, so that there might not be strife and actual conflict pending the settlement, and it held a condition of peace until by a treaty between the two countries and an arbitration the question was finally disposed of.

Mr. President, it makes no difference whatever whether the question is to be settled by treaty or by legislation so long as there is a question and it is deemed desirable by the executive authority charged with the conduct of negotiations that there shall be a preliminary arrangement until a final decision shall be reached upon the question by the duly constituted and empowered authorities of the two countries; it makes no difference whether those authorities who are to settle the question are the Senate with the President or the Senate with the House of Representatives and the President, whether the settlement is to come by the making of a treaty or to come by the making of concurrent laws by the two countries.

This agreement, Mr. President, is of a still lower and milder form than the agreements to which I have referred. It does not in its terms, as did those agreements, bind the Governments of the countries at all. It does not bind the United States nor Great Britain nor Canada. It does not bind the Government of the United States nor that of Great Britain nor that of Canada. It is merely an agreement relating to the course of conduct which will be followed by the President and the State Department on the one hand and the administration in Canada on the other, a thing which is done every day, without which the business of negotiation between different countries and the diplomatic intercourse between different countries can not be pursued. If a President or a Secretary of State or a minister of foreign affairs can not say what he will do, can not bind himself regarding his conduct; if he can not say, "I will answer your letter to-morrow"; if he can not say "I will give you an audience next week, Thursday"; if he can not say, "No action will be taken upon this until such time as you shall have had an opportunity for an interview and hearing," why, then, business can not go on. This agreement, I repeat, is but the most ordinary example of a class of assurance given by the diplomatic officers of one country to the diplomatic officers of another regarding their own conduct.

Now, the President has in a great measure executed the agreement that he made by the recommendation which he has sent to Congress, and when the matter comes before Congress it has no element of a treaty. There is no treaty. There is a recom-

mendation from the President with the information that Canada, in case we comply with his recommendation, is ready to enact similar legislation on her part. What is now before us is a bill which stands upon the same basis as all other bills to be considered and to be enacted by the legislative power of our Government.

This bill might have been the product of a treaty. The President, with the advice and consent of the Senate, might have made a treaty, under which there would have been an agreement to submit this legislation to Congress. He did not do so. There would have been no object in his doing so, because it would have resulted merely in making the same submission to the legislative power which is now made. He has taken the simple, direct, natural, and proper course in making this recommendation to Congress in accordance with his constitutional authority, and acting in good faith, pursuant to the agreement which he made regarding his own conduct and in accordance with his right, with precedent, and with propriety.

Mr. President, the agreement which was submitted to Congress by the President meets with my approval. There were many reasons why it naturally appealed to me and why my first impulses were to favor it, because by long years of labor in the direction of the settlement of differences and the promotion of kindly and friendly feelings between this country and Canada, I have acquired that habit of mind. Be that as it may, I was at the beginning, and always have been and am now, in favor of giving effect to the President's recommendation for the reciprocal arrangement with Canada.

But, Mr. President, I have not been permitted to maintain that view in any complacent or untroubled mood. It has been impossible for me to so steel myself against the opposition of the farmers of northern New York and of the paper-making communities of northern New York, in which tens of thousands of people are dependent upon that industry, that I could hold my course in support of this reciprocity agreement without disturbance and solicitude.

The farmers of northern New York, more in number than the entire inhabitants of many of the States represented in this Chamber, are in a great measure opposed to this agreement, and they have by thousands of communications to me made their opposition known. They fear that it will result in the reduction of the price of their products and in the depreciation of the value of their lands, and in making harder the severe conditions of their lives. I can not but be affected by their representations. They are the people among whom I was born and grew to manhood, among whom I live, and I would not have them feel that I am unmindful of their interests; nor, Mr. President, can I be indifferent to the speeches which I have heard here in this Chamber—speeches made by old and tried associates, upon whose sincerity I would stake everything I possess, for whose judgment I have respect, and with whose deep and evident feelings I have sympathy. But, Mr. President, nevertheless, I do still believe that the enactment of this reciprocal agreement with Canada is for the best and the permanent interest of our country, and I must be for it.

I think, sir, that my friends, the farmers in New York and the farmers all along the northern border, are unduly apprehensive. I think that they have greatly exaggerated in their own minds the injury which will come to them from the enactment of this measure. It is but natural that they should. All experience in the enactment of tariff laws indicates that those whose business is to be affected greatly exaggerate the injury which they apprehend from any legislation that at all reduces the measure of protection which they have had; and if it be true, as would appear from the report of the hearings before the Committee on Finance, that an organized effort has been made, with agents or attorneys employed to circulate among the farmers of the country statements of the injury that will be done to them, in order to arouse them to opposition to this bill, it follows necessarily that the arguments would lose nothing in the telling, and that to every farmer would come a tale of apprehension and of anticipated injury, painted in the most vivid colors. So that it is but natural that this feeling should exist; but I think it is greatly exaggerated.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. I do.

Mr. BORAH. I do not desire to interrupt the course of the argument of the Senator from New York, but I desire to ask if the Senator proposes before he closes to state whether or not, in his judgment, the reciprocity measure will affect the interests of the American farmer?

Mr. ROOT. Yes. I think, Mr. President, that the apprehension of injury, which is natural to any class of producers as to

whom there is a proposal to reduce the tariff, is very readily to be answered by the fact that the two countries are under substantially the same conditions. There may be little differences in labor cost here and there, but, in general, by and large, the labor conditions of Canada and the labor conditions of the United States are the same. It is not a question of competing with the familiar adversary, the pauper labor of Europe. The two countries are similar in their social conditions, in their laws, in their manner of doing business, of thinking and of acting, in their individual independence, and in their power to maintain their wage scale; and the proposal to take down the tariff wall between Canada and the United States, in so far as it is taken down by this reciprocity agreement, is much more like the taking down of a tariff wall between two States than it is the taking down of a tariff wall between the United States and the countries of Europe; and, for reasons which I shall give presently, I think that any ill effect that may be produced upon any of our farmers will be more than counterbalanced by the advantages which they will derive in common with the whole American people from the enactment of the bill.

Mr. President, I could not be indifferent to what has been said upon this floor as to the effect of this measure upon the general policy of protection. We have been told here that if this bill be passed it will drive a wedge into the protective system that now obtains, will rend it asunder, will split it into pieces, and will destroy it. We have been told that if this bill passes the farmers of the Northwest will see to it that the manufacturers of New York and Massachusetts and Pennsylvania suffer in their turn. These are serious propositions, Mr. President, for one who believes, as I believe, that the policy of protection has played a great part in the building up of the prosperity and the happiness of our country, and who believes, as I believe, that to continue the policy of moderate protection, reasonable protection, based upon ascertained facts, is of high importance to the future prosperity and happiness of our country.

A serious picture is presented to us by these declarations coming from men whose sincerity we respect; but, Mr. President, it appears to me that throughout this whole discussion, and very much of late in other discussions in this Chamber which have touched upon tariff questions, there has been always a suppressed premise—an assumption never stated but always present—that what we make tariff laws for is to benefit the manufacturer or the miner or the farmer or whoever may be engaged in the industry that we protect.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. Certainly.

Mr. BORAH. Will the Senator permit me to read—

Mr. ROOT. I beg the Senator not to interrupt me at this point.

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. ROOT. I shall be very glad to afford the Senator an opportunity to read anything when I get through, but at present I would rather be permitted to go on.

Mr. BORAH. I will not, then, interrupt the Senator. I only wanted to read a statement of ex-Speaker Thomas B. Reed upon the question the Senator is now discussing.

Mr. ROOT. That is something which it is manifestly unfair to ask me to do.

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. ROOT. Mr. President, I say there is running through the discussion of this subject the assumption that we make tariff laws for the benefit of the people who are engaged in the industries. That I deny. We make, or we ought to make, no law for the benefit of any man or any group of men. We care no more, Mr. President, neither you nor I, nor the Senators about me, for any manufacturer, great or small, of any article, be it steel or wool or cotton or whatnot, or for any miner, whatever he may be taking from the earth, or for any farmer, or for any granger upon this earth than we care for the men who are using their products. And we do not protect them for their benefit.

We pass all laws putting protection on the products of industry for the benefit of the whole American people, and if we can not sustain the imposition of a duty upon that ground, then it ought not to be imposed. If we do legislate for the benefit of the people engaged in any particular industry, then we are perverting our powers; are false to our duty.

Mr. President, it is because for the moment, for the time being, the people of the United States have come—many of them; I hope not all, but many of them—to believe that we have

forgotten this primary and fundamental rule of tariff legislation, because they have been led—misled, I believe—into the conviction that we have been legislating for particular men or particular groups of men instead of legislating for the interests of the whole country, that the people overturned the majority in the House of Representatives in the last election and very nearly, and in a certain sense altogether, changed the political complexion of the Senate.

Mr. President, when my friends, who declare that this legislation, if it be enacted, will be the death blow of protection, and their constituents, in the cool afterthought, consider, as they will consider, the interests of the whole people, they will forget their revenges, and they will vote in accordance with their principles, under the guidance of their love of their country, for protection or against protection, and if for protection for such measure of protection as they believe will help not the manufacturers of New York or Massachusetts, but the whole people of our country.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Dakota?

Mr. ROOT. I do.

Mr. McCUMBER. Does the Senator believe that while the public may forget their revenges in forgetting they will lose their sense of justice and equal justice to all the people?

Mr. ROOT. I do not. I count on their keeping it, and I know they will keep it and will act under their sense of justice—

Mr. DIXON. But, Mr. President—

Mr. ROOT. A sense of justice to the whole people of the United States. Mr. President, let me say this: No economic system, be it for protection, be it for a tariff for revenue, be it for free raw materials and high duties upon finished products—no economic system can stand upon any other basis than that which I am pressing as a necessary basis on which we must act regarding this legislation and on which my friends who are opposing this legislation ultimately will act.

Mr. DIXON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. ROOT. I hope the Senator will excuse me for just one moment. I believe a reasonable policy of protection is beneficial to our country; I believe it tends to make it more prosperous, more happy, more useful in the world, and that it provides a better home for our people, with greater opportunities for every one of us. But, Mr. President, I know that that view of protection can not prevail if protection is to be rested by its advocates upon a system of bargain and trade. I believe in protection, but I wish to buy no man's vote for it. If the majority of the people of the United States come to the conclusion that it is better for the country to abandon protection and establish a revenue tariff or free trade—under any name whatever—then let them do it, and I for one will put out no hand to stay them by bargaining and trading the respective private interests of different parts of our country. If they are wrong in abandoning protection, then they will find it out and come back. If they are right in abandoning protection, then we will confess our error, according to the outcome.

And, Mr. President, if we have so sinned against the duty of keeping always an eye single to the interests of all our country as to leave the system of protection to be tried not upon its merits, but upon its abuses, then we must endure the tribulation that is to come upon us before the hard lesson is learned that there is a sound and impregnable basis for a protective tariff law which concerns no private or individual interest, but concerns the power and prosperity and happiness of our whole country.

I wish to say one word further with special reference to the effect of this law upon the farmer. If I were at home I would say it in private conversation to my farmer friends about me in the country, and that is this: The taking off of the duty on farm products between this country and Canada, while it will in a technical sense, a strict sense, be accomplished by the passage of this bill, nevertheless was inevitable; and if it did not come in this bill it would come in its own way by ordinary tariff legislation.

No one can mistake, no one ought so to blind himself as to mistake, the changed feeling of the people of this country regarding the tariff as exhibited by the election of last fall, and not only by the election of last fall, but exhibited in 10,000 expressions all over the country and exhibited in the highest degree by the possibility of this reciprocal arrangement.

No one may suppose that this arrangement could be made by the President, carried through the House, certain of passage here in the Senate, if there were not a great public opinion

behind it. What we say here is of little consequence. Our arguments do not advance or retard it. It is moving along with a public opinion behind it.

Mr. President, there is no one here who believes that there is the least possibility that the people of the United States, until another revolution of sentiment has come, will permit the cost of their living to be increased by the imposition of a duty on ordinary foodstuffs.

Mr. BAILEY. Why on clothing?

Mr. ROOT. Why on clothing? On ordinary foodstuffs, just as soon as the consumption approaches the limit of production—

Mr. BAILEY. Mr. President—

Mr. ROOT. The Senator from Texas will excuse me for one moment. The Senator from Texas says, why clothing? Clothing does stand on a little different footing with regard to the general principle, because it is an illustration of the original idea that it was desirable for the country to have manufactures. Yet that is practically unimportant, because the opinion of the country undoubtedly is in favor of a large reduction of the duty on clothing.

Mr. BAILEY. Why a reduction on clothing—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Texas?

Mr. ROOT. I do.

Mr. BAILEY. Why a reduction on clothing and a total repeal on foods? One is as much a necessity of life as another. If we do not eat, we will starve. If we do not wear clothes, we will freeze.

Mr. ROOT. Not now. [Laughter.]

Mr. BAILEY. No.

Mr. ROOT. But that is true in winter.

Mr. BAILEY. That is true. But there is another and probably a more potential consideration, which the Senator from New York has not overlooked. If we undertook to go without clothing, even in this warm weather, the authorities would put us in jail.

Mr. ROOT. That might improve our condition. [Laughter.]

Mr. BAILEY. Now, you have the physical necessity in the winter and the legal compulsion in the summer time. You are under no more physical necessity with respect to food than you are with respect to clothes, and there is no law compelling you to eat, while there is one compelling you to wear clothes.

That being true, why is it that you are going to take the duty off of those necessities which come from the farm and not take it off of those necessities which come from the factory? There must be some explanation of that. The Senator says, because the factory was originally a part of the protective scheme. But the Senator from New York will not tell me—and the Senator from New York will not tell the country—that the factory is more essential to the prosperity and happiness of this country than the farm.

Mr. ROOT. Mr. President—

Mr. BAILEY. I suspect, if the Senator will permit me, that the reason for leaving it on the factory and taking it off the farm is that they fear that they may close up the factory, whenever the dividends disappear, and they know they can not close up the farm; that the farmer must go on producing at a diminished price; and he must meet a falling price by producing more as the price of what he produces falls, and in order to produce 50 bushels where 40 before sufficed, he calls his children from the schoolhouse to the field; and it is more the curse of the country that the farm shall fail in its prosperity than it is the curse of the country that the factory shall close.

Mr. ROOT. Mr. President, the Senator from Texas has intervened upon a statement of mine as to the state of feeling of the people of the country by asking me why some whom he designated as "they" are going to take off one duty and not another. I say I do not know why the people of the country take the view that there ought not to be duty on foodstuffs. It appears to me that they do take that view, and I perceive a very strong tendency toward the reduction of the duty on clothing. Now, I will have to refer the Senator from Texas to the newspapers, of which I know he is very fond.

Mr. BAILEY. And with which I am about as popular as the Senator from New York. [Laughter.]

Mr. ROOT. I congratulate the Senator from Texas upon the virtue which has brought him to that condition. I shall have to refer him to the newspapers to find out what is the origin and nature of that opinion.

Mr. BAILEY. I think I know.

Mr. ROOT. The fact that the farm will not close while the factory will close is suggested by the Senator from Texas. That distinction may be a reason for the difference in treat-

ment. Whether it is the reason in the public mind or not I do not know.

Mr. President, I have stated my view regarding the inevitable result of the process which is now going on upon the system of food duties. I never have thought that the duties which were imposed upon farm products were of any real general benefit to the farmer. They have been quite indifferent, affecting only several localities here and there, so long as our production ran far ahead of our consumption. But, with the increase of our cities as compared with our farming population and the using up of our waste lands and the fencing in of old cattle ranges and the reduction of the productive power of our land, we have about come to the point where the continuance of those duties, instead of being a matter of indifference to the people of the country, would result in putting up the cost of food.

I am not arguing the question. I am simply stating a reason why the farmers should not consider that this reciprocity arrangement is doing them any particular harm, because it is something that is sure to come to them anyway.

Mr. McCUMBER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Dakota?

Mr. ROOT. I do.

Mr. McCUMBER. Does the Senator believe it would be a bad condition to arrive at when consumption and production were about equalized with each other? Does he not believe, on the contrary, that we would get nearer an element of justice upon the price of the article sold and the price that is paid for it upon the energy expended in producing the article and the energy expended in securing the money to purchase it? Does the Senator really feel that there would be an injustice to the consumers if the farmers produced just about what the consumers needed; and will not the Senator agree with me that to-day it takes a great deal more expended energy upon the farm to produce a bushel of wheat than it takes in the factory or elsewhere to buy the flour that is in that wheat? Is not that a correct proposition?

Mr. ROOT. There are several propositions involved in what the Senator has said. As to his first question, about the result of production and consumption, I think it is desirable to have a production for export. So long as we have any money to spend abroad we will spend it, notwithstanding the vigilance of the customs authorities. We will expend some of it, at all events, and I think it is a good thing to keep the balance of trade in our favor. So I like to see a surplus of production.

As to the other question, I do not think that I quite understand it.

Mr. McCUMBER. My proposition, I will say to the Senator, was simply that it requires far more labor on the farm to produce the wheat that goes into a loaf of bread than it requires in the city to earn the value of that loaf of bread.

Mr. BAILEY. The money to buy it.

Mr. ROOT. I am inclined to think that is true.

Mr. McCUMBER. Then should not the law, in so far as the law affects the value of the property, tend rather to equalize this condition than to cheapen the product of the farm for the benefit of the person in the city who purchases it?

Mr. ROOT. No; I do not think it is our business to equalize that condition by law. I think that is a matter of trade, which should be equalized by the natural forces which govern trade.

Mr. McCUMBER. Have we not been equalizing those conditions by our protective system, and is not the whole argument of protection based upon the idea that we do equalize our conditions as against the conditions of the foreign markets?

Mr. ROOT. That is an entirely different question, Mr. President. It is not that we equalize trade conditions as between ourselves. We have never undertaken to do that by our tariff legislation, and I do not think we ever shall undertake to do it.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Missouri?

Mr. REED. I do not want to interrupt the Senator, but I want to get some light.

Mr. ROOT. I am nearly through, and I hope the Senator will not—

The PRESIDING OFFICER. The Senator from New York declines to yield.

Mr. REED. It was with reference to a statement which I understood the Senator to make.

Mr. ROOT. Very well; I yield for a question.

Mr. REED. Do I understand the Senator to say he concedes the point that it takes more labor to produce a loaf of bread than to earn the money to buy it in a city?

Mr. ROOT. I said I was inclined to think that was true.

Mr. REED. I differ very strongly from the Senator on that point.

Mr. ROOT. I may be wrong. I do not make myself responsible for the statement, but I am inclined to think it is true that it takes less labor to earn the money to buy a loaf of bread in the city than it does to raise the loaf of bread in the country—that is, that less money goes to the producer. Of course, there may be, and frequently is, any amount of putting up of price through successive middlemen, who destroy the relation between the producer's reward for his labor and the consumer's cost for the article which he consumes.

Mr. MARTINE of New Jersey. Mr. President—

Mr. ROOT. The great problem of distribution, of bringing the products from the original producer to the consumer is a subject which very much needs attention, but it is no part of a tariff law or a reciprocity agreement with Canada.

Mr. MARTINE of New Jersey. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Jersey?

Mr. ROOT. I do.

Mr. MARTINE of New Jersey. I want to ask the honorable Senator from New York if it is not his admission here, from what he has just stated, that the farmer has received no benefit from the tariff; that he, in other words, has been hoodwinked with the idea that the protective tariff was protecting him? Is not that your statement, sir?

Mr. ROOT. Mr. President, the distinguished Senator from New Jersey puts a question to me and then puts a gloss on his question.

Mr. MARTINE of New Jersey. I want it glossed so that the Senator will not get away from it.

Mr. ROOT. Yes; but the Senator from New Jersey must not hoodwink my answer.

Mr. MARTINE of New Jersey. I have no disposition to do that.

Mr. ROOT. Mr. President, my own opinion is that the farmers have not in general been benefited by the protection upon their food products.

Mr. MARTINE of New Jersey. I ask, have they in any particular—

The PRESIDING OFFICER. The Senator from New Jersey will please address the Chair and get permission to interrupt.

Mr. MARTINE of New Jersey. It is a part of my original proposition.

Mr. ROOT. I must be permitted to answer the question of the Senator, because a question put by him is always entitled to respectful consideration. I think that here and there, at certain localities along the border, farmers have been benefited by protection on their food products. I do not think that as a class in general up to this time or until perhaps within a very short period, the protection upon food products has been of any real advantage to the farmer. I do not think that the Senator from New Jersey is justified in inferring from that that the farmers have been hoodwinked. I think that the farmers have, upon their own good judgment, believed that it was beneficial to them to have this duty, probably more because they were looking forward to the time when it would be useful for them than that they thought it had already been useful for them as a class.

Mr. MARTINE of New Jersey. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield further to the Senator from New Jersey?

Mr. ROOT. I do.

Mr. MARTINE of New Jersey. The farmers have been looking for forty-odd years for the magnificent dream and the rainbow that was to come. But each year the struggle for the bread-and-butter winner and toiler has grown harder and harder and more bitter, while they have seen their farms sold out under foreclosure and the manufacturers growing wealthy beyond the dreams of avarice. Hence the farmers of this land have held up their hands to God and said, "Pray, how long!" and the last election decreed that it would be short. I can say to the distinguished Senator from my neighboring State, in which I was born, that your day of promise is too far off with your Republican talk of protection, and we want no more of it.

Mr. ROOT. Mr. President, I am glad the Senator from New Jersey has completed his question. He really ought not, under permission to put a question, make my poor, dull remarks the matrix in which shall shine the bright jewels of his eloquence. [Laughter.]

Mr. President, let me now pass to what seems to me to be the general and controlling consideration affecting this reciprocity agreement. I have always thought that the surrender of the right to impose tariff duties against each other by the original 13 States was the most valuable act forming a part of the Constitution of our Government. I have always thought that that

played a greater part in the prosperity and progress and friendly intercourse of our States than any other thing that they did or refrained from doing in forming the Government of the United States.

Mr. President, it seems to me that the existence of a political line between Canada and the United States does not militate at all against the proposition that in like manner the taking down of the tariff wall between these two kindred States, these two communities of people speaking the same language, living under the same system of law, with the same social and economic system, with the same wage scale in general, the same habits of thought and action, the same methods of conducting business, as similar in all respects as the people of the original 13 States were to each other, will bring the same benefits to the people of both countries.

Mr. CLARK of Wyoming. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. ROOT. I do.

Mr. CLARK of Wyoming. I suppose the Senator has considered, perhaps from that point of view, the difference that exists between Canada and the United States with relation to the imports from other countries which does not exist between the several States of the Union. I should like to have the Senator's view upon that point.

Mr. ROOT. Mr. President, I do not think that that at all affects the general proposition which I am making. I can see that the fact that Canada has a different tariff from the United States, as against the people of all outside countries, may prove an embarrassment in detail; but as to the general proposition that the utmost freedom—the greatest possible freedom—of trade between Canada and the United States will bring to both countries the same great blessings that it has brought to the different States of our Union, I think this matter of detail plays no part whatever. I do not think, Mr. President, that the people of New York have been injured because there was full and free trade between them and the people of Pennsylvania. I do not think the people of New York and Pennsylvania and New Jersey and Massachusetts have been injured in the long run, by and large, by the opening up of the great wheat and corn fields of the western prairies and the valleys of the Mississippi and Missouri, and the plains, and the Pacific. I think that while they may have been required to change the character of their crops here and there, while they have been hindered here in a particular respect or there in a particular respect, the fact that they, with their farms and their farmhouses, their fields and their crops, were part of the great activity, having available to them the vast and effective machinery of a great and powerful and prosperous country, has overborne and counterbalanced a hundred times over any harm that has come to them from the freest competition on the part of these other communities.

Mr. DIXON. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. ROOT. I do.

Mr. DIXON. I have agreed with many things the Senator has said. I would not object strongly to vote for absolute free trade between Canada and the United States. But the Senator omits the basic criticism of the Republican Senators here who are in opposition to this treaty; that is, the rank injustice of making free trade in agricultural products alone and still leaving tariff duties and tariff walls between the two countries on manufactured articles. That is what we complain of, and that is what I should like the Senator from New York to elucidate with his wonderful ability.

Mr. ROOT. I thank the Senator. I hope he is serious.

Mr. DIXON. I am.

Mr. ROOT. Mr. President, we are dealing now with a reciprocity agreement.

Mr. DIXON. But it is not reciprocity.

Mr. ROOT. It is reciprocity so far as it goes, until you get to the second section.

Mr. DIXON. It is a jug-handled reciprocity.

Mr. ROOT. It is quite plain, and it is a fact—if it were not plain upon the papers, I think that we all of us know—that Canada was unable to go further than she did go in her reciprocal agreement regarding manufactured products, and we are left, therefore, in this position, that while our reciprocal legislation, that is, our legislation reducing certain duties in consideration of Canada's legislation reducing certain duties, goes only to the mark to which Canada could be brought in the agreement—the mark to which she found herself able to go in the agreement—nevertheless we are at liberty quite independently of that reciprocal agreement to go on and reduce or take off any other duties that we see fit.

Mr. President, I do not doubt that the American people will stand for doing whatever is just, and I do not want to prevent their doing whatever is just. If it is just and for the best interests of the whole country that the duties on the manufactured products of New York should be cut down, let them be cut down. That is no reason why we should not pass this reciprocity agreement. That is my view about it.

Mr. DIXON. Mr. President—

Mr. ROOT. In one moment.

Mr. BAILEY. Does the Senator think they ought to be cut down?

Mr. ROOT. I will not answer that question now, because we are not engaged in a general tariff discussion. I will say frankly to the Senator, I do not know. I have been hoping that from the study, the investigation of facts by the Tariff Board, we should get early light on the question as to what ought to be cut down and what ought not to be cut down.

Mr. DIXON. Should we not have waited on reciprocity until the Tariff Board reported?

Mr. ROOT. No; because the question involved in this reciprocity agreement, so far as it goes, does not depend upon any Tariff Board report, except this paper business, as to which I have been trying to confine the bill to the reciprocity agreement. The reciprocity agreement except in regard to that does not depend upon any Tariff Board report.

Mr. BAILEY. Mr. President—

The PRESIDING OFFICER. Will the Senator from New York yield to the Senator from Texas?

Mr. ROOT. Certainly.

Mr. BAILEY. In other words, we do not need the advice of a Tariff Board until we touch the manufactured article. That is the philosophy.

Mr. ROOT. We do not need the advice of the Tariff Board until we come into some region in which the facts are so obscure and difficult that the man who runs can not read aright, so obscure and difficult to determine that we require the kind of assistance that a court calls upon a master in chancery for.

Mr. President, I wish to hasten to a conclusion. I have said that I think the same great benefits will come from freer trade with Canada that come to our States from tearing down the tariff walls between each other.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. ROOT. Certainly.

Mr. WILLIAMS. I do not want to interrupt the argument of the Senator from New York; I am very much interested in it; but I should like to ask him a question. Does he not think that this agreement, even though it does not go to the extent he has indicated, may be a first step toward yet freer trade relations with Canada in manufactures as well as in natural products?

Mr. ROOT. I hope it will. I share in the hope that was expressed by the House in the concluding clause that they put into the bill. In all such matters we have to go step by step, and every friendly arrangement which is made between two countries which works satisfactorily to mutual benefit makes some further friendly arrangement more possible and easy.

Now, let me return to the proposition. The fact that there is a deeper and broader political line between Canada and the several States than there is between the States to my mind makes no difference whatever in the practical certainty that the same great benefits will come from breaking down the trade barrier. The political line is of no consequence in such matters. It is the character of the people, their law, their language, their business habits, their conditions of life, that make intercourse upon equal terms natural and easy, which are of importance.

Mr. President, I have regretted to hear remarks made from time to time, some I have thought through inadvertence, and sometimes I have feared with a hope of beating this reciprocity agreement on the other side of the line, about the annexation of Canada. Let us dismiss from our minds, if it has found any resting place in the mind of any of us, any such idea. There may have been a time, generations ago, when it was possible that such an idea should receive consideration. That time has long since passed. Canada, with her wonderful progress of the last 20 years, has become a nation, and she is instinct with the spirit of nationalism. Never in the most assertive and vigorous times of our young Republic was there a greater sense of patriotic nationality than exists in Canada to-day. The political line will continue between Canada and the United States. Her loyalty, her love for her mother country, will continue; her separate nationality will continue; but across the line of political division will pass and re-pass the messages of trade and intimate business relation and intimate personal relation, which

will create for both peoples the blessings that our States have received from each other in our happy Union.

Mr. President, there is another consideration that I can not leave out of mind. When I consider the mighty power to which that northern neighbor is sure to grow; when I consider the 3,000 miles of boundary, when I look across the Atlantic and see the nations of Europe each an intrenched camp, each scanning the other across battlements and ranks of steel, with suspicion and distrust; and when I think of the possibility that we here may be robbed of the happy security in which we have so long lived by the growth of an unfriendly neighbor to our north, powerful and vigorous as we have been, I confess, sir, that all small calculation or detailed advantage or disadvantage sinks into insignificance compared with the overmastering duty of inaugurating and maintaining a national policy toward this infant of mighty strength—a policy which shall make two peoples bound together in the ties of friendship, rendering it impossible that we should duplicate the conditions of Europe.

Mr. President, one of the Senators here the other day recounted the number of times that Canada had knocked at our doors for reciprocity and had been turned away. Ah, yes; that is true; it is true that for many years we have conducted our Government under a policy that has wounded the people of Canada, has wounded their self-respect, wounded their feelings, made them indignant, and created unfriendly feelings toward the Government of the United States. It has been a stupid policy, and it is time for us to depart from it. Never again should the friendly approaches of this most friendly people be met with indifference. Now is the time, if we love our whole country and are willing to look far into the future, to shape our policy so that our strength shall help the growth of Canada and Canada's strength shall help our growth; that the power of each shall contribute to the power of the other; and that the enduring friendship of each for the other shall make the great English-speaking continent the strongest, the most prosperous, and the most happy part of the globe.

Mr. President, if this reciprocity measure is to be beaten, I hope it will be beaten in Canada rather than here. I hope it will not be beaten there; I do not think it will be; but let it be there rather than here, for the sake of the future, for the sake of the continuance of that good old agreement under which we have been for nearly 100 years without armament upon the Lakes.

Mr. DILLINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Vermont?

Mr. ROOT. I do.

Mr. DILLINGHAM. I simply want to ask the Senator from New York, if he can do so, to tell the Senate when in the last 60 years Canada has ever expressed a willingness for reciprocity with the United States in anything outside of natural products?

Mr. ROOT. Mr. President, I am unable to answer the Senator's question in detail. I know that Canada has frequently asked for reciprocity and has been met with indifference.

Mr. DILLINGHAM. May I ask the Senator a further question?

Mr. ROOT. Yes; but let me finish answering the question the Senator has just asked. I know the subject was up for consideration in 1905; I know that it was up for consideration at the hands of the Joint High Commission in 1898; and in a few minutes, if I could go to the volumes of Foreign Relations, I could look up a number more; but I was quoting from a Senator who spoke here the other day, the Senator from Michigan [Mr. SMITH]. It is true that Canada has of late years, and perhaps always, put her special stress on natural products, but that does not at all vary or interfere with the proposition that I have just made.

Mr. DILLINGHAM. May I ask the Senator one further question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Vermont?

Mr. ROOT. I do.

Mr. DILLINGHAM. I have seen it stated in the public prints—I do not know whether it be true or not—that in the negotiations between the two Governments which have resulted in this agreement the United States offered to Canada free trade in manufactured articles as well as in natural products, and that Canada, following the doctrine she has held for 60 years, ever since the abrogation of the treaty of 1854, absolutely declined to go further than as appears in this agreement, which is confined substantially to natural products.

Mr. ROOT. I have no doubt that our Government was desirous of going further, and I will contribute to the discussion

the interesting statement that the American commissioners in the joint high commission of 1898 offered to Canada free trade in all things upon the trifling condition that Canada would adopt our tariff, which naturally formed a disagreeable impression in the minds of Canadians, and which, of course, they were unwilling to accede to.

Now, Mr. President, a single word, and with a very few additional words I will be through.

Mr. McCUMBER. Mr. President, will the Senator yield for another question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Dakota?

Mr. ROOT. Yes.

Mr. McCUMBER. I think the Senator has unintentionally omitted something that he promised us in the beginning of this debate. I call attention to his statement that the injuries which the farmers of the Northwest would suffer would be counterbalanced by certain advantages which they would obtain from this treaty. The Senator has failed, as yet, to name any of those advantages. To make myself clear, let me call the Senator's attention to the fact that the farmers of the North and Northwest raise from 650,000,000 to 700,000,000 bushels of wheat—

Mr. ROOT. Mr. President—

Mr. McCUMBER. I merely wanted to put it in the form of a question, and then to ask the Senator, if they raised that amount, are they to get an increased market in Canada for their 650,000,000 to 700,000,000 bushels of wheat, for their 800,000,000 bushels of oats, for their 170,000,000 bushels of barley, or for their 30,000,000 bushels of flax? Do they get a Canadian market for any one of those things; and, if they do not, what do they get in the manufactured products of Canada that would be an advantage to them?

Mr. ROOT. Mr. President, I should not think that the products which the Senator from North Dakota has enumerated would find any considerable market in Canada, but I have been very unfortunate if I have made no lodgment in the mind of the Senator from North Dakota with the reasons which I have undertaken to give that his constituents, in common with all the people of our country, will derive benefits from the freer trade with Canada that will counterbalance any particular injury or limitation upon the sale of their crops.

Mr. McCUMBER. I simply want the Senator from New York to name one benefit that they will derive.

Mr. ROOT. I have endeavored to state a number.

Mr. President, there is an amendment proposed to this bill. The Senator from Mississippi [Mr. WILLIAMS], with that candor and courage that naturally accompany so acute a mind and so great ability as he has, has relieved me of any necessity of devoting very much time to explaining the relation of that amendment to this bill. I wish simply to state very briefly what it is. The agreement contains a schedule called Schedule A, and I now read from the heading of the schedule:

SCHEDULE A.

Articles the growth, product, or manufacture of the United States to be admitted into Canada free of duty when imported from the United States, and reciprocally articles the growth, product, or manufacture of Canada to be admitted into the United States free of duty when imported from Canada.

Under that heading in that schedule were enumerated a great number of articles, including pulp and paper. The bill, which was originally introduced in the House of Representatives, followed that schedule by providing for the free admission of those articles into the United States, with the condition that the President should find and proclaim that a bill for their free admission into Canada had been enacted. That bill was for the agreement pure and simple. That bill, however, was amended in the other House by taking pulp and paper out of that enumeration which followed Schedule A, putting it in a separate section—section 2—and dropping out the provision requiring the corresponding legislation on the part of Canada; so that, without any legislation on the part of Canada and without any provision being made for the free admission of our paper into Canada, it would, on the enactment of the bill, subject to certain conditions stated, come into the United States free of duty.

Mr. NELSON. Mr. President, will the Senator yield for a brief question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. ROOT. Certainly.

Mr. NELSON. Does the Senator from New York maintain that the second section of this bill is within the scope and purview of the reciprocity agreement as outlined in the message of the President and sent to the Senate?

Mr. ROOT. Mr. President, I maintain that it is not; and I was trying to explain why it is not. The Senator from Mississippi [Mr. WILLIAMS], in the remarks to which I referred a few moments ago, said on Monday last:

Mr. WILLIAMS. A great deal of importance has been attached to the idea that the Root amendment is in strict accord with the agreement between the two countries. Now, I always like to argue things frankly, for two reasons: First, because it is an honest thing to do; and, secondly, because it is always the wisest thing to do. The President of the United States has made no concealment of the fact that the Root amendment does express the original agreement in so far as it was an agreement at all. The House knew it expressed the agreement, and because the agreement as it was made would have resulted in exactly what I have said, perpetually possibly, indefinitely certainly, continuing the hold of the International Paper Co. upon the paper business of the country, the House changed it that far, knowing that when it changed it, it changed the agreement on the whole still further in favor of Canada, and that therefore Canada would not object.

That is a very fair statement of the exact situation. The amendment which I suggested to the Finance Committee and to which my name has been attached was designed to put the bill back where it originally was, so that the bill would cover nothing but the agreement. To vote for that amendment would be equivalent to voting against the change of the bill that was made in the House and which added to the bill, in addition to the reciprocity agreement and beyond that agreement, a further and different provision, taking off the duty from pulp and paper, which the agreement did not require to be taken off.

Mr. President, it may be that, as the Senator from Mississippi believes, the provision of the House bill taking the duty off of pulp and paper without any compensatory legislation by Canada is a better provision than the provision in the agreement. I am not going to discuss that now. I say that it may be that it is a better provision; it certainly is a different provision.

I have become satisfied that the amendment which bears my name will not be adopted. For many different reasons a large majority of the Senate are going to vote against it, some because they want the bill to be bad, some because they are afraid the bill would not pass in another place if the amendment were adopted.

I am not going to discuss the question whether the duty ought to be taken off. It is a modest duty—practically 10 per cent on the importation of paper—but I am not going to discuss the question whether it should be taken off. It evidently is going to be taken off, but I do not want it done under cover of the reciprocity agreement, and I am satisfied to have suggested the amendment and to have had it discussed here, because the discussion has stripped off the cover of the reciprocity agreement that was spread over this independent pulp and paper provision so largely by public misapprehension, although, I believe, honest misapprehension, on the part of great numbers of the newspaper journals of the country. There was also much misapprehension here in the Senate for a long time about it.

The amendment the House incorporated in the bill taking off this duty and making the wood-pulp and paper schedule a separate and independent proposition is going to pass, but it is not going to pass under any false pretenses, inadvertent or otherwise. It is going to pass because this Congress means to take that duty off, and not because it is a part of the reciprocity agreement.

Mr. BROWN. Mr. President—

Mr. ROOT. I will close in a moment.

Mr. BROWN. I wanted to ask the Senator a question right there.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. ROOT. Yes.

Mr. BROWN. With the provision in the bill as passed by the House, the duty would be taken off. With the Senator's amendment incorporated into the bill, it would not be taken off.

Mr. ROOT. Not until Canada took her duty off, which is in accordance with the agreement.

Mr. BROWN. That means never.

Mr. ROOT. No; it means the time the agreement specifies.

Mr. BROWN. What I want to get at is this: The Senator does not contend that his amendment removes the duty?

Mr. ROOT. Certainly not.

Mr. BROWN. But it leaves the duty now as it is?

Mr. ROOT. It leaves the duty until Canada shall comply with the terms of the agreement.

Mr. BROWN. In other words, it means that it never will be taken off.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Mississippi?

Mr. ROOT. Certainly.

Mr. WILLIAMS. In the Senator's opinion, is it not probable that Canada would never comply with the agreement—

Mr. ROOT. Mr. President, I—

Mr. WILLIAMS. Wait a moment—in the sense which he means, unless every Province in Canada removes the restrictions?

Mr. ROOT. I think that is probably true.

Mr. WILLIAMS. That is the point I wanted to make; so that if just one Province continues to maintain the restrictions we would not get the free entry of paper.

Mr. ROOT. Precisely. That is true.

Mr. President, now let me say one thing more, and I am done. I am and have been for the agreement, the whole agreement, and nothing but the agreement. The amendment made to the bill in the House, which I wish to negative by the amendment to which my name has been attached, has added to the agreement another separate and distinct tariff provision. I am against that for one reason, because I believe that if you make this reciprocity measure the vehicle for discussing all the tariff questions that can be raised the bill will never pass. The bill as passed by the House in this respect, as I have said, may be better than the provisions of the agreement. There may be a hundred measures better than the provisions of the agreement. My friend from North Dakota [Mr. McCUMBER] can doubtless put his finger on some that he thinks better; my friend from Iowa [Mr. CUMMINS] on some that he thinks better; half the Senators here can do likewise. I was against the addition to the agreement of this separate tariff provision, and I shall be against the addition to the agreement of any other tariff provision; and I, with the very small number of Senators who vote for this amendment, will stand in a singular group of consistency, for we shall take the same view about all the proposed changes of this reciprocity agreement.

While I say I shall be against all amendments that may be offered, I wish also to say that I do not doubt that there will be some amendments offered which as separate and substantive propositions I should favor; I shall be against them because I think it is our duty, acting upon the soundest public policy and with the broadest judgment as to the benefit of our country, to pass this reciprocity agreement. When we have done that, at convenient and proper time, if, as the result of passing that agreement or the result of anything else that has happened or shall happen, justice and the public good require that further changes be made in our tariff law, my friends upon both sides of the Chamber will find me trying to be reasonable and just in meeting their desires and striving to agree with their judgment.

Mr. HITCHCOCK. Mr. President, before the Senator takes his seat—

The VICE PRESIDENT. The Senator from New York has yielded the floor. The Senator from Nebraska is recognized.

Mr. HITCHCOCK. Then for a few moments I should like to direct the attention of the Senate to a reply to the Senator from New York upon the paper schedule in section 2. The Senator from New York says that he is for the agreement, for the whole agreement, and for nothing but the agreement. It seems to me, however, Mr. President, that the amendment which the Senator from New York offers would make of section 2 an absolute dead letter, just as completely as if the Senator from New York should move to strike section 2 out of the bill. The Senator from New York knows, and every other Senator knows, that all of the Canadian Provinces will not waive, abolish, or do away with their export duty upon print paper, pulp, and pulp wood; and the Senator from New York knows, and every other Senator must know, that until that is done the United States will not admit pulp and paper and pulp wood from the Provinces in question.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. Permit me to finish my sentence. And the Senator from New York must know that so long as that condition exists, so long as the United States exercises its right to discriminate against a single Province of Canada, Canada will not admit paper, pulp, and pulp wood from the United States; and then, under the amendment which the Senator from New York offers, the President of the United States could not issue his proclamation and the United States could not admit paper, pulp, and pulp wood from any Province of Canada, although it is the very purpose of section 2 to admit these articles from such Provinces as waive those restrictions.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. I yield.

Mr. GALLINGER. The Senator from Nebraska states without qualification that every Senator knows that if this amend-

ment prevails it will practically nullify the paper clause of the agreement. Does not the Senator think that the negotiators on the part of Canada had an intelligent conception of what the agreement would do, and does he not think that the bill now before the Canadian Parliament, which contains the very provision embodied in the amendment, indicates that the Canadians are not so sure that the restrictions will not be removed as the Senator from Nebraska seems to be?

Mr. HITCHCOCK. On the contrary, Mr. President, I think that the bill now pending before the Canadian Parliament proves conclusively that Canada anticipates and expects that the Provinces—or some of the Provinces—may not remove that selfsame duty on exports, and for this reason that the bill before the Canadian Parliament contains this proviso:

Provided also, That such wood pulp, paper or board, being the products of the United States, shall only be admitted free of duty into Canada from the United States when such wood pulp, paper or board, being the products of Canada, are admitted from all parts of Canada free of duty into the United States.

Mr. GALLINGER. Yes; but that—

Mr. HITCHCOCK. There is a manifest attempt in that bill to compel the United States to admit paper, pulp, and pulp wood from all Provinces of Canada regardless of whether those Provinces maintain their export duty or not.

Mr. GALLINGER. It seems to me that Canada is dealing in that proviso with her own Provinces; that it is not suggested that the United States shall make any compulsion upon Canada. The provision is that this so-called reciprocity shall become operative when we have access to the Canadian market and all parts of Canada, precisely what the bill in the Canadian Parliament says.

Mr. HITCHCOCK. On the contrary, it was distinctly understood that the negotiators on the part of Canada were not able to guarantee to the United States that these export duties were to be removed by all the Provinces, and for that reason—desiring to have them removed—they consented to this proviso, embodied in the bill as it comes to us from the House of Representatives, which, if we take it just as it comes from the House of Representatives will, in the course of time, be a force which will gradually compel one Province after another to remove the export duty, because any Province which maintains the export duty will realize in a short time that its market for wood and wood pulp is restricted. Not only will the American manufacturers be unable to buy Canadian wood and wood pulp without paying the American tariff, but the Canadian manufacturers will not be able to buy the wood and the wood pulp from that Province for export to the United States because of the proviso that paper made from those products shall not be admitted into the United States without the payment of the duty.

And hence it was believed by the original negotiators, and I have no doubt it was believed by the framers of this bill in the House of Representatives, that to maintain there the proviso that such paper, pulp, and pulp wood should only be admitted free of duty from those Provinces that abolished their export duty, would result in the course of time in forcing each Province, as a commercial proposition, to abandon the attempt to restrict its exports.

Mr. CLARK of Wyoming, Mr. SMOOT, and others rose.

The VICE PRESIDENT. Does the Senator from Nebraska yield and to whom?

Mr. HITCHCOCK. I yield, first, to the Senator from Wyoming.

Mr. CLARK of Wyoming. Assuming for the sake of the argument that the Senator from Nebraska is right as to the agreement, I will ask him whether, as he understands the agreement, it provides or looks to future reciprocal trade in these articles after the prohibition may have been removed from Canadian timber? Does he understand that as a part of the agreement it looks to future possible reciprocal trade in these articles?

Mr. HITCHCOCK. That would ultimately be the result of the measure.

Mr. CLARK of Wyoming. Now let me ask the Senator: Is there anything in section 2, which is now before us, that hints in the slightest degree at any reciprocal trade in these articles, even if the effect should be to cause the provincial governments to remove these restrictions? Is there anything in section 2 that hints in the slightest degree at reciprocal trade between the two countries?

Mr. HITCHCOCK. There is not in this particular bill; but as we know from an official publication published under the order of the Senate, the bill before the Canadian Parliament does provide that the American manufacturers of paper shall be permitted free access to the Canadian markets.

But, Mr. President, I want to say to the Senator from Wyoming that the market in Canada for paper made in the United States is of comparatively insignificant value to the American

manufacturers of paper as compared with the great benefit which they are likely to derive from the importation into this country of the raw materials or the partly manufactured material of wood pulp from which they manufacture their paper.

Mr. CLARK of Wyoming. Mr. President—

Mr. HITCHCOCK. They themselves before the Committee on Finance and on every other opportunity have shown that one reason why they are at a disadvantage in manufacturing paper is that the Canadian manufacturer has the cheaper wood to manufacture his paper from, and the purpose of this bill is to give to the American manufacturer the cheaper Canadian wood.

Mr. CLARK of Wyoming, Mr. WILLIAMS, and others rose.

The VICE PRESIDENT. To whom does the Senator from Nebraska yield?

Mr. HITCHCOCK. Just now to the Senator from Wyoming.

Mr. CLARK of Wyoming. Assuming that the Senator's argument is correct, has this section any place in a reciprocal bill? Ought it not to come in a tariff bill—properly before the Senate and the House as a tariff bill? In other words, the Congress of the United States to-day is engaged in revising certain schedules of the tariff—the woolen schedule and the cotton schedule. Why should we select from Schedule M one article in that schedule and leave the balance of the schedule untouched, thus effecting tariff legislation pure and simple under the guise of a reciprocity agreement.

Mr. HITCHCOCK. We would do that because it was embodied as one of the schedules which came to us from the President, and the language of the bill as it comes from the House is exactly in the language of the paragraph of that agreement as transmitted to the Congress of the United States by the President.

I now yield to the Senator from Mississippi.

Mr. WILLIAMS. I merely wanted to suggest, in connection with the remark the Senator made a moment ago, that the evidence showed that the sole advantage of the Canadian paper manufacturer and the sole disadvantage of the American paper manufacturer consisted in the price of the raw material.

Mr. HITCHCOCK. That is very true, and I am at a loss, for my part, to understand why the paper manufacturers of the United States are making such a determined opposition to this paragraph if all they want is a fair opportunity to compete upon equal grounds with the Canadian manufacturer. The American market for paper is 15 or 20 times the size of the Canadian market, which is comparatively insignificant; and if what they want is to get raw material upon the same basis as the Canadian manufacturer gets his raw material this is the very bill that will give it to them.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I do.

Mr. SMOOT. Do I understand the Senator from Nebraska to say that the House bill is in conformity with the agreement between the two countries?

Mr. HITCHCOCK. I say that so far as the language of the House bill goes there is not a word in it that was not in the message of the President of the United States as transmitted to us.

Mr. SMOOT. The Senator qualifies it now. He now says "as far as the language goes."

Mr. HITCHCOCK. I used that same qualification before.

Mr. SMOOT. We all admit that. But the Senator qualifies his statement now. I did not catch it if he thus qualified it before.

In relation to the Root amendment, the Senator, in speaking a little while ago, said that the Root amendment has no relation to the agreement as negotiated, and that it was not in conformity, as I understood him to say, to the agreement.

I have here a telegram printed in the daily press June 8, which reads as follows:

The reporting of the reciprocity agreement by the United States Senate was heard with satisfaction at Ottawa. The Root amendment to the pulp and paper clause in no way injures the pact from the Canadian point of view. It is known that Finance Minister Fielding, who is now in Europe, expressed the opinion that the Root amendment merely gives effect in a clearer way to the intention of the treaty makers. It is hoped here that the Senate will act favorably and promptly on the bill as reported by the committee.

Mr. HITCHCOCK. I will say, in answer to the Senator from Utah, that I am not arguing this matter from the Canadian standpoint. I am not seeking to make an argument for the benefit of Canada. I am making an argument for the benefit of the people of the United States. I am making an argument for the purpose of showing that the Root amendment might just as well have been a motion to strike out section 2, because it will nullify section 2 and make it a dead letter, by making it impossible to enforce it.

And I may go further, Mr. President. I may say that the bill, as drawn and submitted to the House of Representatives, was first submitted to the President of the United States, and had then, and has now, his unqualified approval.

Mr. SMOOT. In his speech in Chicago the President plainly stated that the Root amendment was in conformity with the agreement, and I do not think there is a doubt about it, and I do not think there is any Senator in the Senate who will dispute it.

Mr. HITCHCOCK. He, however, said at the same time that any amendment, even though apparently innocent and even though upon its face designed to carry out the agreement, was likely to imperil the passage of the reciprocity bill; and that is the position we take here—that any amendment placed upon this bill is likely to defeat it.

Mr. SMOOT. You certainly will admit it is not going to defeat it in the Canadian Parliament, because the bill before the Canadian Parliament to-day has, if not the exact language, the meaning that is contained in the Root amendment. So if it can not defeat it there, and if it can not defeat it in the Senate, where is it going to be defeated?

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HITCHCOCK. I yield.

Mr. CUMMINS. I should like to ask the Senator from Utah who is the author of the legal opinion he has just read in our hearing?

Mr. SMOOT. This is a reported statement from Finance Minister Fielding.

Mr. CUMMINS. A report from him, or a statement by some Canadian reporter with regard to some rumor with respect to the opinion of Mr. Fielding? Read it again.

Mr. SMOOT. I will read that part of it referring to him. It says:

It is known that Finance Minister Fielding—

Mr. CUMMINS. Who knows it? Who is the author of this dispatch?

Mr. SMOOT. It is a dispatch sent by the Associated Press.

Mr. CUMMINS. Oh, I see; gathering up the reports in Ottawa?

Mr. SMOOT. They have not gathered and reported very many rumors in relation to this bill which were detrimental to it; I will assure the Senator of that.

Mr. CUMMINS. In the United States.

Mr. SMOOT. Or any other country.

Mr. CUMMINS. I do not know about that.

Mr. SMOOT. All the letters issued by the American Newspaper Publishers Association to every paper in the United States to support the measure were sent to their correspondents in Canada.

Mr. CUMMINS. But the Senator from Utah is not asking the Senate to accept a rumor of that sort, disseminated by the Associated Press, as a deliberate opinion of a responsible minister of the Canadian Government, is he?

Mr. SMOOT. No. If it were based upon this alone I would not, but it is not based upon this alone, because Minister Fielding has already reported to the Parliament of Canada a provision in full accord with the Root amendment as carrying out the agreement between the two countries.

Mr. CUMMINS. I do not want to take the time of the Senator from Nebraska, but whenever an opportunity is given me I intend to endeavor at least to show that the Root amendment is not in harmony with the agreement, but on the contrary is in exact opposition to the purpose or object of the agreement.

Mr. SMOOT. Then, of course, the Senator disagrees with the President.

Mr. CUMMINS. This is not the first time he has.

Mr. SMOOT. I am aware of that. I was going to say many other Senators do not agree with him either; but, of course, that is a question to be discussed hereafter.

Mr. CUMMINS. I do not know that the President has ever said that it was in conformity with the agreement.

Mr. SMOOT. He said so in his Chicago speech.

Mr. HITCHCOCK. I have no desire to hold the floor further and shall be glad to yield it.

I simply want to repeat that the inevitable effect of the Root amendment will be to nullify section 2, and if it is desired to do that we might just as well adopt a motion to strike out section 2 from the bill.

Mr. SMOOT. The result of the Root amendment will be this: If Canada wants our market free she must make her market free to us. It is bad enough to have free trade between the two countries, but without the Root amendment the bill gives Canada a free entrance to our market and our

manufacturers can not get into Canada unless they pay the 25 per cent duty.

Mr. HITCHCOCK. Of course I have very serious doubts whether the Senator from Utah would favor absolute free trade in paper between the United States and Canada, but assuming that he did hold such a position, the Senator from Utah must know that the Canadian Government possesses no power to compel her Provinces to do away with the export duty, and as long as she lacks that power to place it in a treaty or to place it in legislation it was specifically designed that the United States could begin to give free entry to paper and pulp and pulp wood to those Provinces which imposed no export duty, which in the course of time would, through commercial means, compel the other Provinces to do what the Canadian Government did not have the power to compel them to do.

Mr. SMOOT. I should like to ask the Senator how he knows all that. It is not expressed in the agreement nor in the Canadian bill. And how does the Senator know the intent or design of the negotiators?

Mr. HITCHCOCK. How do I know that the Canadian Government has no power to compel her Provinces—

Mr. SMOOT. Oh, no; as to the agreement or as to the intent or design of the agreement that he was informing the Senate about. How does the Senator know the intent of the agreement? We can only judge by the wording of the agreement.

Mr. HITCHCOCK. I will call the Senator's attention to some of the wording of the agreement

Mr. SMOOT. I will be glad to listen to it.

Mr. HITCHCOCK (reading):

Provided, That such paper and board, valued at 4 cents per pound or less, and wood pulp, being the products of Canada, when imported therefrom directly into the United States, shall be admitted free of duty, on the condition precedent that no export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) or any prohibition or restriction in any way of the exportation (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly) shall have been imposed upon such paper, board, or wood pulp, or the wood used in the manufacture of such paper, board, or wood pulp, or the wood pulp used in the manufacture of such paper or board.

Mr. SMOOT. Go right on and read the proviso.

Mr. GALLINGER. "Provided"—

Mr. SMOOT. Read the proviso. That is a part of the agreement as reported to the Senate by the President.

Mr. HITCHCOCK. I am only reading that part to prove to the Senator that the Canadian negotiators took into account the fact that the United States Government desired to compel the Provinces to abolish their export duty; and not being able to guarantee that they would abolish the export duty, the negotiators agreed that the United States should only admit those products from the Provinces which did.

Mr. SMOOT. Now, if the Senator will read the proviso, the statement will be complete.

Mr. HITCHCOCK. My statement is absolutely complete to show that the negotiators took the export duty into account and opened the door to the United States to secure the abolition of the export duty, although the Canadian Government itself was not able to guarantee it.

Mr. SMOOT. Every Senator knows that. But there were two parties to the negotiation, and the negotiators for the United States demanded that paper from Canada should come into the United States free, provided—now, if the Senator will read the proviso I asked him to his statement will be complete.

Mr. HITCHCOCK. It was to come in only from those Provinces which abolished the export duty.

Mr. SMOOT. Of course, but—

Mr. HITCHCOCK. The amendment of the Senator from New York [Mr. Root] would make it impossible for anyone to get paper or wood pulp or pulp wood from any Province without admitting it from all Provinces, regardless of the export duty.

Mr. SMOOT. That is exactly the wording of the treaty—that they are to be admitted from all parts of Canada. That was the proviso. Canada insisted upon it, and that is a part of the Canadian bill to-day.

Mr. HITCHCOCK. All parts of Canada, provided those parts did not impose an export duty.

Mr. SMOOT. It does not say that.

Mr. HITCHCOCK. It says it exactly, I think.

Mr. SMOOT. Read the proviso.

Mr. HITCHCOCK. But, as I have stated, I do not desire longer to occupy the floor. It seems to me a self-evident proposition that the Root amendment is essentially an effort to nullify section 2. The short way to nullify section 2 is to move to strike out section 2 and bring it to a vote on that proposition.

Mr. CLARK of Wyoming. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. HITCHCOCK. I yield.

Mr. CLARK of Wyoming. In order that I may understand the position of the Senator from Nebraska, I desire to ask him a question. Is it his desire, by section 2 or otherwise, to incorporate anything in the pending bill that was not provided for in the agreement between the two Governments?

Mr. HITCHCOCK. No; it is not.

Mr. CLARK of Wyoming. Then there must be a difference of opinion as to the effect of the Root amendment and as to the effect of section 2. Would the Senator be willing, instead of section 2, to have the exact wording of the compact between the two nations restored to the bill?

Mr. HITCHCOCK. I would not be willing myself to consent to any amendment which would send this bill back to the other body, where it might not finally reach concurrence.

Mr. CLARK of Wyoming. Has the Senator so little confidence in the other House as to believe that they would want to put anything in the bill that was not included in the agreement?

Mr. HITCHCOCK. I have every confidence in the other body and am perfectly willing to take the bill as they sent it to us.

Mr. CLARK of Wyoming. The Senator has a degree of modesty as a Senator which he never had when he was a Member of the House.

PURE FOOD AND DRUGS ACT.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 75), which was read:

To the Senate and House of Representatives:

Your attention is respectfully called to the necessity of passing at this session an amendment to the food and drugs act of June 30, 1906 (34 Stat., 768), which will supplement existing law and prevent the shipment in interstate and foreign commerce and the manufacture and sale within the Territories and the District of Columbia of worthless nostrums labeled with misstatements of fact as to their physiological action—misstatements false and misleading even in the knowledge of those who make them.

On June 30, 1906, after an agitation of 20 years, the food and drugs act, passed by the Fifty-ninth Congress, received the approval of the President and became law. The purpose of the measure was twofold—first, to prevent the adulteration of foods and drugs within the jurisdiction of the Federal Government; and, second, to prevent any false labeling of foods and drugs that will deceive the people into the belief that they are securing other than that for which they ask and which they have the right to get. The law was received with general satisfaction and has been vigorously enforced. More than 2,000 cases have been prepared for criminal prosecution against the shippers of adulterated or misbranded foods and drugs, and seizures have been made of more than 700 shipments of such articles. More than two-thirds of these cases have been begun since March 4, 1909. Of the criminal cases more than 800 have terminated favorably to the Government, and of the shipments seized more than 450 have been condemned and either relabeled or destroyed. In every case in which the food seized was deleterious to health it was destroyed. A large number of cases are now pending.

The Supreme Court has held in a recent decision (*United States v. O. A. Johnson*, opinion May 29, 1911) that the food and drugs act does not cover the knowingly false labeling of nostrums as to curative effect or physiological action, and that inquiry under this salutary statute does not by its terms extend in any case to the inefficacy of medicines to work the cures claimed for them on the labels. It follows that, without fear of punishment under the law, unscrupulous persons, knowing the medicines to have no curative or remedial value for the diseases for which they indicate them, may ship in interstate commerce medicines composed of substances possessing any slight physiological action and labeled as cures for diseases which, in the present state of science, are recognized as incurable.

An evil which menaces the general health of the people strikes at the life of the Nation. In my opinion, the sale of dangerously adulterated drugs, or the sale of drugs under knowingly false claims as to their effect in disease, constitutes such an evil and warrants me in calling the matter to the attention of the Congress.

Fraudulent misrepresentations of the curative value of nostrums not only operate to defraud purchasers, but are a distinct menace to the public health. There are none so credulous as sufferers from disease. The need is urgent for legislation which will prevent the raising of false hopes of speedy cures of

serious ailments by misstatements of fact as to worthless mixtures on which the sick will rely while their diseases progress unchecked.

At the time the food and drugs act was passed there were current in commerce literally thousands of dangerous frauds labeled as cures for every case of epilepsy, sure cures for consumption and all lung diseases, cures for all kidney, liver, and malarial troubles, cures for diabetes, cures for tumor and cancer, cures for all forms of heart disease; in fact, cures for all the ills known at the present day. The labels of many of these so-called cures indicated their use for diseases of children. They were not only utterly useless in the treatment of the disease, but in many cases were positively injurious. If a tithe of these statements had been true, no one with access to the remedies which bore them need have died from any cause other than accident or old age. Unfortunately, the statements were not true. The shameful fact is that those who deal in such preparations know they are deceiving credulous and ignorant unfortunates who suffer from some of the gravest ills to which the flesh of this day is subject. No physician of standing in his profession, no matter to what school of medicine he may belong, entertains the slightest idea that any of these preparations will work the wonders promised on the labels.

Prior to the recent decision of the Supreme Court the officers charged with the enforcement of the law regarded false and misleading statements concerning the curative value of nostrums as misbranding, and there was a general acquiescence in this view by the proprietors of the nostrums. Many pretended cures, in consequence, were withdrawn from the market, and the proprietors of many other alleged cures eliminated false and extravagant claims from their labels, either voluntarily or under the compulsion of criminal prosecution. Nearly 100 criminal prosecutions on this charge were concluded in the Federal courts by pleas of guilty and the imposition of fines. More than 150 cases of the same nature, involving some of the rankest frauds by which the American people were ever deceived, are pending now, and must be dismissed.

I fear, if no remedial legislation be granted at this session, that the good which has already been accomplished in regard to these nostrums will be undone, and the people of the country will be deprived of a powerful safeguard against dangerous fraud. Of course, as pointed out by the Supreme Court, any attempt to legislate against mere expressions of opinion would be abortive; nevertheless, if knowingly false misstatements of fact as to the effect of the preparations be provided against, the greater part of the evil will be subject to control.

The statute can be easily amended to include the evil I have described. I recommend that this be done at once as a matter of emergency.

WM. H. TAFT.

THE WHITE HOUSE, June 20, 1911.

The VICE PRESIDENT. The message will be printed and referred to the Committee on Manufactures.

HOUSE BILL REFERRED.

H. R. 11019. An act to reduce the duties on wool and manufactures of wool was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. WILLIAMS and Mr. GORE addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi first rose. The Senator from Mississippi.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. WILLIAMS. Mr. President, I rise for the purpose of asking unanimous consent to insert in the RECORD an article from the Charleston News and Courier of June 17 upon the subject of the Bristow amendment.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. Mr. President, I will ask the Senator what will be the permanent value to insert it in the RECORD. Some of the newspapers of my State have had editorials on that question, but I had not thought of making them a part of the RECORD.

Mr. WILLIAMS. I can only say to the Senator from New Hampshire that unless I had thought it was a valuable contribution to the discussion and a valuable thing in the way of forming public opinion through the CONGRESSIONAL RECORD I would not have asked the unanimous consent; and I can hardly answer the question more in detail without reading the article itself. I think it contributes to clarify the atmosphere upon that particular subject. I think it will have an influence with some Senators when the question comes back to the Senate from conference.

Mr. GALLINGER. The matter was very thoroughly debated on both sides. I did not participate in the debate, because I

am not in the habit of talking much in the Senate now; but after the joint resolution has passed the Senate and gone to the other body, it seems to me we ought not to lumber up the RECORD here with all sorts of newspaper articles. That is the only feeling I have about it. Still, if the Senator particularly desires it, I will not object, of course.

Mr. WILLIAMS. I do desire it, and I would rather not be forced to read it out aloud.

Mr. GALLINGER. I will not ask the Senator to do that.

Mr. WILLIAMS. It would put me to trouble unnecessarily.

Mr. GALLINGER. I want to say that I think never in the history of the Government has so much extraneous matter been inserted in the RECORD, as newspaper editorials and speeches of individuals, as during the last year. While I am not going to object to the request of any Senator, I am very careful myself not to ask leave to insert these matters. I had a very interesting newspaper article the other day on the textile industry of the United States, which I thought ought to be printed, but I sent it to the Committee on Printing, because I was not quite sure that I ought to ask that it should go into the RECORD.

Mr. WILLIAMS. I quite agree with the Senator from New Hampshire as a general rule, and my only reason for asking this unanimous consent now was that I thought it would contribute to general information and to molding public opinion. The question having passed beyond the Senate, we expected that it would come back later on a different proposition, which is under discussion now, and I did not want to wait and take up the time of the Senate away from gentlemen who desire to discuss the immediate proposition before us.

Mr. GALLINGER. I have been hoping that the House would accept the joint resolution as it was amended by the Senate, and that it would not come back.

The VICE PRESIDENT. No objection is heard, and the paper referred to by the Senator from Mississippi will be printed in the RECORD.

The matter referred to is as follows:

THE BRISTOW AMENDMENT.

[From the Charleston (S. C.) News and Courier, June 17, 1911.]

It is a rare event to find so many newspapers, of all shades of political opinion and in all parts of the country, united in the opinion that the adoption by the Senate of the Bristow amendment to the resolutions providing for the adoption of a constitutional amendment so that Senators might be elected by direct vote of the people was, in the language of Mr. Hearst, a piece of political hypocrisy. It is interesting, furthermore, to follow the discussion as to what would happen or what should happen in case the House should acquiesce in the Bristow amendment.

That stance Ogdenite journal, the Brooklyn Eagle, thinks that "the effect of the constitutional amendment in its amended form would be the nullification of the restrictions now imposed by the Southern States upon negro suffrage." This surprises the New York Tribune, which proceeds to argue that "there is no grant of power in the Senate amendment which is not as old as the Constitution," but, strangely enough, omits to explain why in this event the amendment should have been proposed or adopted.

The New York Press, like the Tribune, a Republican organ, but with decided "progressive" leanings, and which has strongly advocated popular election of Senators, declares that "nothing could more clearly show the insincerity of the Bristow amendment to the Borah joint resolution for popular election of United States Senators than the character of most of its supporters," and thinks that "under cover of protecting the freedom of suffrage in the black belt the promoters of this insincere and unenforceable project intend to deny the people of all the States the right to elect their Senators."

The New York World, the most forceful Democratic newspaper of America and an advocate of direct elections, declares that "the Bristow amendment is unnecessary and mischievous," that "it merely arouses sectional animosities and repels the movement for the election of Senators by direct vote," and thinks, like the Press, that "the fact that LORIMER, DU PONT, GALLINGER, GAMBLE, GUGGENHEIM, ROOT, SMOOT, PENROSE, and STEPHENSON voted for it explained its real meaning far more clearly than the text itself."

The New Haven Journal-Courier, a strongly edited independent newspaper, regrets that the issue should have been beclouded by the injection of the Bristow amendment, and declares that "the people of this country have a right to decide what is best for them in the organization of their political household, and if in this regard the Senate has played fast and loose with them, those responsible will feel the lash of popular discredit when the time comes." The Hartford Daily Courant, Republican, quotes from a speech delivered in the Senate by Mr. RAYNER, of Maryland, last week, in which he predicted that it would take "a tremendous struggle in the Southern States if you put it (the Bristow amendment) in to carry, perhaps, any of them," and also from an interview which he gave to the Baltimore Sun, after the adoption of the Bristow amendment, in which he said: "I am satisfied that no practical danger will result from the adoption of this amendment." "Our own impression," remarks the Courant, "is that the Marylander was a better prophet last week than this." The New York Globe, Republican, thinks that the Senate amendment as passed was "fostered in prejudice or of a desire to mix things up and to prevent action."

These are the views of some of the most influential of the northern newspapers. Let us turn now to the South. That the resolution will meet with great opposition in this part of the country, if submitted to the States for ratification as passed by the Senate, is made plainly evident. The Montgomery Advertiser, for example, thinks that "the proposed reform is prohibitively dear if we have to buy it with our complaisant acceptance of the atrocious force bill which a small band of devoted and courageous Senators defeated in the last generation when it appeared certain of enactment." Another influential Alabama newspaper, the Mobile Register, thinks that "the legislatures of the

South are not likely to accept the amendment upon the terms that it is offered. Fortunately, there is available the State primary, which meets the needs of the people in expressing their choice for Senators, so that no loss will be suffered if the amendment fails of confirmation."

The Petersburg Index-Appeal does not think that the evident attempt which has been exhibited to embarrass the South would succeed, but it is not surprised that "Southern Senators oppose the Bristow amendment, remembering the attempts by the Republican Party to enact the force bill, giving the General Government absolute control of the election of Members of the Senate. The attempt failed, but it showed the animus of the Republican Party."

The Athens Banner entertains the view that "if the advocates of the direct vote are in earnest and really want to see this amendment to the Constitution passed they will be speedy in their work of defeating the Senate amendment when it comes to the House for action. With that amendment tacked on, there is practically little hope for the ratification of the amendment to the Constitution, and there should be no hope for favorable action thereon, for such action would be to the detriment of the country."

The Newberry Observer and the Charlotte Evening Chronicle are agreed that, in the language of the Observer, "it might be better for the Southern States and for all other States that advocate State rights and are opposed to Federal interference in their elections to let things remain as they are for the present."

"We ought," says the Houston Post, "to have direct election of Senators unhampered by such a provision as Mr. BRISTOW would insert in the amendment." The New Orleans States hopes that "the Democratic House will think well and carefully before accepting the resolution as amended by the Senate." A like sentiment is expressed by the New Orleans Times-Democrat. "The voters," says the Times-Democrat, "understand the issues involved, and most of them have read between the lines of the Bristow and Sutherland riders. If the question is left open for a season, they can be depended upon, we think, to insure its early settlement in the right way."

Thus the matter stands. It is not likely in the circumstances that the House Democrats will accept the resolution, as it has come from the Senate. Indeed, it would not be surprising if the trickery which again has been resorted to by that body should have the effect of bringing about a Federal constitutional convention, at which the matter could be settled once for all. That is not desirable in the present mental state of the American people, but the United States Senate seems determined to force it.

TARIFF ON WOOL.

Mr. McCUMBER. Mr. President, I think it proper at this time to make a very few remarks concerning the message of the President concerning the pure-food law.

Mr. GORE. Mr. President—

The VICE PRESIDENT. Will the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I will yield.

Mr. GORE. I should like to make a parliamentary inquiry at this juncture.

The VICE PRESIDENT. The Senator from Oklahoma will state it.

Mr. GORE. I was addressing the Chair when House bill 11019 was referred to the Committee on Finance. I desire to submit to the Senate a motion upon that subject. I should like to know whether I will still be permitted to submit a motion.

The VICE PRESIDENT. Certainly. The Chair did not understand that the Senator wished recognition in connection with that bill. Certainly the Chair will recognize the Senator to make a motion in reference to the bill.

Mr. GORE. Mr. President, I desire to move that the bill be referred to the Committee on Finance with instructions to report the same back on or before July 4 next.

The VICE PRESIDENT. The Senator from Oklahoma moves that the bill which was laid before the Senate by the Chair be referred to the Committee on Finance with instructions, and that the bill be reported back to the Senate on or before July 4.

Mr. GORE. On that I ask for the yeas and nays.

Mr. GALLINGER. Mr. President, I regret the absence of the chairman of the committee. I have never known a proposition of that kind to be offered, I think, to the Senate concerning a very important bill, and I feel sure that the Senate will not agree to that motion. It would be a departure from all our custom in matters of this kind, and I think a very direct reflection upon the committee.

Mr. GORE. Mr. President, I certainly have no intention to reflect upon the Committee on Finance, but I think there is a general feeling, at least on this side, that this woolen bill should be brought before the Senate as soon as possible. I do not care to obstruct the progress of the Canadian agreement at this time, but I should like to have the Committee on Finance understand that it is the sense of the Senate that this measure shall be reported at an early day. I may say further that I do not care to press the motion at this moment, during the absence of the chairman of the Committee on Finance.

Mr. WILLIAMS and Mr. CULBERSON addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Oklahoma yield?

Mr. GORE. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I suggest to the Senator from Oklahoma to make the date July 10. July 4 is a holiday.

Mr. GORE. I am aware of that, but the motion was on or before July 4, and I thought if we could be emancipated from

Schedule K, or at least initiate the emancipation on that day, it would be well. I will accept the suggestion of the Senator from Mississippi and say on or before July 10, and on that motion I should like to have the yeas and nays.

Mr. GALLINGER. There will be some debate on that motion, I will assure the Senator.

The VICE PRESIDENT. Will the Senator from Oklahoma state the motion, so that the Secretary may be sure of the date he now proposes?

Mr. GORE. Mr. President, wait just one moment, that I may ascertain the day of the week.

The VICE PRESIDENT. Saturday is July 1.

Mr. GORE. My motion is that House bill 11019 be referred to the Committee on Finance with instructions to that committee to report the same back to the Senate on or before July 10.

Mr. President, I am not sure whether the motion is debatable or not.

Mr. LODGE. Oh, yes.

The VICE PRESIDENT. It is a debatable motion.

Mr. GORE. I do not think a motion to refer is debatable.

Mr. GALLINGER. Yes; it is.

Mr. LODGE. Any motion to refer is debatable.

The VICE PRESIDENT. It is a debatable question. Does the Senator desire to debate it?

Mr. GORE. It is not debatable in reference to petitions and memorials. Perhaps a different rule prevails in reference to bills.

Mr. GALLINGER. Mr. President, I have no desire to debate this motion at length, but I want to suggest to the Senate in all seriousness that here is a bill involving very grave changes in our tariff laws. It may be my own fault, but I have not read the bill. We have been very actively engaged in work here during the time since the House has been considering this measure, and I certainly want very much to acquaint myself intimately with the provisions of the bill before I should vote to instruct the committee to report it back at any given time.

I personally feel, Mr. President, that the woolgrowers and woolen manufacturers of this country have a right to be heard on this bill, and a right to be heard at length on the bill.

We passed a bill relating to wool a few years ago. I am not going to stop now to enumerate what it did to the woolgrowers and woolen manufacturers of this country. It is a matter of history. Whether or not this bill will accomplish the same result, if it is enacted into law, I am not so sure; but, at least, we ought to have an opportunity to look at it. At least we ought to give to the Committee on Finance the usual courtesy of sending a bill to that committee for their consideration and giving them an opportunity to examine it. If they do not report it at a time that will suit the views of the Senator from Oklahoma, or any other Senator, a motion can then be made to discharge the committee from its further consideration and have it brought into the Chamber. But to do that when a bill is first presented to the body is so extraordinary, so unusual, so unfair to the committee and to the Senate itself, that I can not believe, however earnestly Senators may feel on this question, that they will vote in favor of the motion.

Mr. President, that is all I care to say about it. I chance to be a member of the Committee on Finance for the first time in my legislative experience. I feel personally that I have a right to consideration in this matter and that I should be permitted to examine the bill in the committee and to have it discussed there before the Senate takes it into its hands and deprives the committee of its usual privileges in matters of legislation.

Mr. PENROSE. Mr. President, this bill refers to what is probably the most complicated schedule in the whole tariff law. It was framed after a careful and thorough investigation extending over months, and I may say years. It has received attention such as has not been given any other schedule in what is known as the Payne bill, or another preceding tariff bill.

As far as there is any record or public knowledge the bill has been reported from the House Committee on Ways and Means and passed by the House of Representatives without any opportunity for a hearing on the part of the great interests involved. It is a schedule which concerns the shepherd in the West and the manufacturer in the East, a schedule which embraces the varied industries of a continent, and the Senate is asked to pass upon it within two or three weeks after its reception by this body.

More than that, Mr. President, it would be idle to report the measure to the Senate until the reciprocity measure is disposed of, because this body could not be fairly or properly called upon to consider it.

If this motion is made seriously, it seems to me it is uncalled for and unreasonable. If it is simply made to call public attention to the zeal of the Senator from Oklahoma in favor of the bill, I hope the purpose will be satisfied and the motion will not be pressed.

Mr. MARTIN of Virginia. Mr. President, the doctrine of courtesy to which the Senator from New Hampshire alludes, it seems to me, is carried a little too far. There is certainly not a Member of the Senate who would be more unwilling than I to treat the Finance Committee with any discourtesy, but it does seem to me that this notion about courtesy ought not to stand in the way of legislation. It appears to me the essentials of the business life of this country are entitled to some consideration, and ought not to be thrust aside by talk about courtesy to a committee.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. MARTIN of Virginia. I yield to the Senator.

Mr. GALLINGER. If the Senator will permit me, I did not put my suggestion upon that ground. I said it was usual to refer important bills to committees without accompanying the reference with instructions. But I went further than that, and I went to the very point the Senator has just now announced, that the interests of the people should be considered. That is true. The interests of the men who raise sheep and the men who manufacture the wool into clothing are entitled to our consideration and ought to have our consideration, and they ought to have an opportunity to be heard.

Mr. MARTIN of Virginia. But, Mr. President, I think the 90,000,000 people who wear woolen fabrics are entitled to a little more consideration than the few people who raise wool or manufacture woolen fabrics.

Mr. GALLINGER. If the Senator will permit me—

The VICE PRESIDENT. Does the Senator from Virginia yield further to the Senator from New Hampshire?

Mr. MARTIN of Virginia. I yield.

Mr. GALLINGER. That depends upon whether they wear fabrics made out of American wool or foreign wool, or wear fabrics made in American mills or foreign mills. I do not think they are entitled to much consideration if we are going to blot out the woolen industry of the United States and import our goods for the benefit of the 90,000,000 people wearing them.

Mr. MARTIN of Virginia. That is just exactly the difference between the Senator from New Hampshire and myself. I feel that the people that wear these fabrics are entitled to consideration, and when they buy them they are not making any great inquiry whether the wool is raised abroad or in this country.

Mr. GALLINGER. Some people are not.

Mr. MARTIN of Virginia. The great body of the American people are not the people who have these articles.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. MARTIN of Virginia. In a moment.

Mr. LODGE. I want to ask the Senator, What is his plan? Does he intend to set aside the reciprocity bill?

Mr. MARTIN of Virginia. There is no intention to set aside the reciprocity bill.

Mr. LODGE. Does the Senator intend to get the reciprocity bill out of the way by July 4?

Mr. MARTIN of Virginia. Before the 10th. I hope it will be considered with all possible dispatch and disposed of as soon as possible; but in the meantime there is no reason why the Finance Committee should not be doing some work on other bills of great importance which are before it.

We talk about the necessity of having time. We have not heard anything about the farmers' free-list bill, which has been before the Finance Committee for several weeks. If they are so anxious to have hearings, why have they not had some hearings on the farmers' free-list bill?

Mr. GALLINGER. We have had some.

Mr. LODGE. I am perfectly willing to discuss all three bills at once. I am only trying to find out what the plan is. If the plan is to give instruction to the Finance Committee to report at once, or practically at once, they are somewhat engaged now in trying to get the reciprocity bill through, and we shall have to discuss the wool bill on this matter. There is a good deal to be said on this bill, although the Senator may not think so. There is a good deal to be discussed, and we will discuss it on this motion. I am perfectly ready to do it.

Mr. PENROSE. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Pennsylvania?

Mr. MARTIN of Virginia. Certainly.

Mr. LODGE. I do not think it will expedite either bill.

Mr. PENROSE. If the Senator from Virginia is in favor of the reciprocity measure, as I understand he is, I am astonished that he raises a proposition in this body now which will open a flood of discussion calculated to keep us here until the snow appears on the ground, thereby endangering and jeopardizing the measure for which this special session was primarily called. The proposition to attempt to report the wool bill or any other bill of that dimension while the reciprocity measure is before the Senate is rank absurdity and shallow demagogism, and I am too much—

Mr. MARTIN of Virginia. Mr. President, I decline to yield any further.

Mr. PENROSE. All right.

Mr. MARTIN of Virginia. The Senator does not seem to be willing to confine himself to the courtesy—

Mr. PENROSE. I hope the Senator's feelings have not been hurt by my endeavor to state the truth.

Mr. MARTIN of Virginia. Mr. President, I decline to yield any further.

The VICE PRESIDENT. The Senator from Virginia declines to yield further.

Mr. NELSON. Will the Senator from Virginia yield to me for just a moment?

Mr. MARTIN of Virginia. I will yield to the Senator from Minnesota.

Mr. NELSON. It seems to me, if we are to have reciprocity in all other agricultural products besides wool with Canada, we might as well have reciprocity with our own people in wool; and therefore I am very anxious to have this wool bill voted upon about the same time that the reciprocity bill is voted upon.

Mr. CRAWFORD. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from South Dakota?

Mr. MARTIN of Virginia. I yield to the Senator from South Dakota.

Mr. CRAWFORD. I wish to say to the Senator that I think perhaps we would get along with just as much dispatch if the Committee on Finance will understand that the sooner they report the free list bill and this woolen bill, and these other bills, the sooner they will be able to get unanimous consent here to consider the reciprocity bill, because I, for one, in the frame of mind I am in now, will not consent to fixing a day to vote on the reciprocity bill, that singles out the American farmer, until some other proposition can be considered at the same time.

Mr. MARTIN of Virginia. Mr. President, there seems to be a determination on the part of the Finance Committee to withhold from the Senate reports on matters of vital importance that have been referred to that committee to be considered and reported back to the Senate. If there had been any disposition shown by the Finance Committee to give prompt attention to these matters and to make prompt report to the Senate, I am very sure the Senator from Oklahoma would never have submitted the motion which he did submit.

The question has been asked several times on the floor of the Senate as to what course the Finance Committee contemplated pursuing in respect to these matters of vital importance to the entire country and not one word has been said to indicate that there was any purpose to report anything to the Senate except the reciprocity bill, which has been reported.

This talk about hearings impresses me as an indication of a purpose to delay. If there was any need of hearings, protracted hearings, I would be the last one to dissent from that course; but we had hearings on the Payne-Aldrich bill elaborate enough and comprehensive enough to elucidate these subjects, if they can be elucidated at all by hearings. Between now and the 10th of July there is ample time for any additional information which may have accumulated since the Payne-Aldrich bill was under consideration.

I believe that all this talk about hearings is simply an indication of a purpose to hinder and delay the progress of legislation on tariff questions, and I do not see that any discourtesy—

Mr. CLAPP. Will the Senator from Virginia yield a moment?

Mr. MARTIN of Virginia. I will.

Mr. CLAPP. I do not think that we ought to attach so very much importance anyhow to the question of hearings. There is a bill here framed as to every detail affecting one of the greatest industries of this country, that was put into Congress with all the prestige of the dictum from the presidential office without one moment of hearings, and I think there is no particular necessity of our being so very particular from this time on about hearings.

Mr. CRAWFORD. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from South Dakota?

Mr. MARTIN of Virginia. I yield to the Senator.

Mr. CRAWFORD. I was going to suggest that there does not seem to be any great necessity of the Finance Committee spending a long time considering these tariff bills, because after we have waited for weeks for them to conclude their hearings we are unable to get any report or any recommendation from them. They simply report the bill here with no conclusions or no result of the deliberation connected with it. The sooner we get these bills here from that committee, it seems to me, the better.

Mr. MARTIN of Virginia. Mr. President, I do not expect any valuable information to come to the Senate through the means of the hearings of which we hear so much. I do not believe any Senator on this floor expects to have any material benefit given from the hearings that we hear talked of so much. We all realize that this talk about hearings is simply an indication, as I have said, of a purpose to hinder and delay the progress of legislation on these subjects. I can understand that the Senator from Pennsylvania does not want this citadel of protection, as the woolen schedule is so often called, interfered with in any way, and so it is his purpose to hinder and impede and delay legislation in respect to the wool schedule.

Mr. JOHNSTON of Alabama. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. MARTIN of Virginia. I yield to the Senator.

Mr. JOHNSTON of Alabama. I wish to ask the Senator from Virginia if my recollection is correct that the Payne bill was received from the House one day and reported to the Senate the next?

Mr. GALLINGER. Oh, no.

Mr. JOHNSTON of Alabama. That is my recollection.

Mr. MARTIN of Virginia. My impression is that it was very early reported.

Mr. JOHNSTON of Alabama. Within a few days.

Mr. MARTIN of Virginia. There was a brief hearing, but my memory does not enable me to state the length of time. Some member of the committee, of course, will be able to answer that question.

Mr. JOHNSTON of Alabama. Without any hearings it was reported back in a few days.

Mr. SMOOT and Mr. PENROSE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Virginia yield, and to whom?

Mr. MARTIN of Virginia. I yield to the Senator from Utah who addressed the Chair.

Mr. SMOOT. For the information of the Senator from Alabama, I refer him to the hearings in the House upon the woolen schedule in the Payne bill.

Mr. JOHNSTON of Alabama. Oh, yes.

Mr. SMOOT. As far as the Senate committee is concerned it had the bill under consideration for weeks before it passed the House or was reported to the Senate.

Mr. JOHNSTON of Alabama. I understand that the committee had hearings while the bill was considered in the Senate.

Mr. SMOOT. No; we had no hearings while the bill was considered in the Senate.

Mr. JOHNSTON of Alabama. My recollection is distinct on that point, that the passages of the Senate Office Building were filled up with woolen manufacturers in hearings upon the Payne-Aldrich bill while the bill was being considered in the Senate.

Mr. SMOOT. Of course I do not know what the Senator wants to infer as hearings, but I am sure that the Committee on Finance had no hearings while the Payne-Aldrich bill was being considered by the Senate, but did hear, informally, parties for weeks before it was reported to the Senate.

Mr. BACON. That is not what the Senator from Alabama alludes to.

Mr. BAILEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. MARTIN of Virginia. I will yield to the Senator in a moment, when the Senator from Utah gets through.

Mr. SMOOT. I should have said the Republican members of the Finance Committee held informal hearings for weeks before the bill was reported to the Senate.

Mr. BAILEY. The Senator from Utah needs to refresh his memory. He will find statement after statement made while that bill was pending that they had not held any hearings. There were, as I recall, no notes taken of what was said. That the Republican members did confer frequently and fully with those interested in the preparation of the bill has been

generally understood, and was avowed at that time. Of course, the Senator from Utah does not want to incorporate into the Record the statement that the Finance Committee held meetings.

Mr. SMOOT. I said it was the Republican members of the Finance Committee, the majority members, and that has always been the case in framing tariff bills. The Democratic Party, when in power, did the same thing, and a tariff bill was formed with the minority members excluded.

Mr. BAILEY. If the Senator will permit me, I think that is true.

The VICE PRESIDENT. Does the Senator from Virginia yield further to the Senator from Texas?

Mr. MARTIN of Virginia. I yield.

Mr. BAILEY. While it is not permissible to refer to what transpires in the other body, I admit that the Democratic members of the Ways and Means Committee framed the bill which passed the House yesterday. I make no complaint. I only rose to correct the statement of the Senator from Utah, which was that the Finance Committee had held meetings.

Mr. MARTIN of Virginia. I should like to ask the Senator from Utah, if his memory will enable him to answer the question, How long was it after the bill came from the House to the Senate before it was reported to the Senate?

Mr. SMOOT. A very few days, Mr. President, as I remember; but it had been considered by the Republican members of the Finance Committee—

Mr. MARTIN of Virginia. Can the Senator tell me how many days?

Mr. SMOOT. I can not state, because I do not remember exactly, but I will say within a few days. I simply say to the Senator that the Republican members of the Finance Committee held informal hearings for 12 hours a day for over two months before the bill was passed by the House.

Mr. CULBERSON and others addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Virginia yield?

Mr. MARTIN of Virginia. If the Senator from Utah is through, I yield to the Senator from Texas.

Mr. CULBERSON. I wish to ask the Senator from Utah if it is the purpose of the Republican members to exclude the Democratic members from the hearings they purpose having on the wool schedule?

Mr. SMOOT. That question has never been discussed by the Finance Committee at this session, but I will say that in the framing of a tariff bill in the past, whether the Republican Party is in power or the Democratic Party is in power, the minority members of the Finance Committee have been excluded when the bill was being framed.

Mr. MARTIN of Virginia. I think the Senator from Utah is far from accurate in the statement which he has made.

Mr. SMOOT. Well, Mr. President—

Mr. MARTIN of Virginia. Just let me get through, if you please. I do not think that it has ever been the custom in the Senate to use the methods of procedure which were used by the Republicans of this body pending the consideration of the Payne-Aldrich bill.

Mr. SMOOT. Mr. President—

Mr. MARTIN of Virginia. Just let me get through, if the Senator pleases.

Mr. SMOOT. I thought the Senator was through.

Mr. MARTIN of Virginia. It is entirely reasonable and proper for the Members of the majority party to retire to themselves or to exclude the minority when they go into the consideration of any question, but never until the consideration of the Payne-Aldrich bill, according to my knowledge and information, has the majority of any committee proceeded with such hearings as were had by the Finance Committee in the consideration of the Payne-Aldrich bill. My former colleague made open protest many times upon the floor of the Senate, and a resolution was offered by him from his seat in the Senate protesting against the extraordinary and unprecedented course taken at that time by the majority members of the Finance Committee.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. I yield.

Mr. SMOOT. I was going to call the Senator's attention to the very fact that his colleague had introduced such a resolution and it was discussed on the floor of the Senate time and again.

It was admitted here during that discussion that the Democratic tariff bill when it was formed was formed in the same way, and the Senator's colleague stated that whether it was or

not be objected to the practice. It is exactly as the Senator from Texas says, as I have always understood it, and he agrees with me in the statement I have made.

Mr. BAILEY. No, Mr. President; I do not agree that it was ever the practice of either body to exclude the minority from the hearings. The practice was merely to exclude the minority when the majority came to propose, consider, and adopt amendments. My understanding was that you all claimed before that that you were not having hearings.

Mr. SMOOT. Mr. President, in answer to the Senator from Texas, I wish to say that while we were considering and framing the tariff bill—that is, the Republican members of the Finance Committee—as the schedules were reached, there were parties interested for and against different schedules who were before the committee—not in the way of public hearings—but they were there to submit any information that they had or that they desired to give to the committee. The schedules were formed in that way.

Mr. MARTIN of Virginia. Mr. President, the Senator from Utah has gotten about to the place where I started. They were secret hearings behind closed doors, from which—

Mr. SMOOT. Mr. President—

Mr. MARTIN of Virginia. Just let me get through or, if the Senator wants to elaborate his remarks into a speech, I will sit down, or if he wants to ask a question, I am ready to yield, or I am ready to yield for any reasonable and appropriate statement in reply to what I am saying, but not for a long speech.

Mr. SMOOT. The Senator was saying they were secret hearings, and I thought he was through, and so I was going to—

Mr. MARTIN of Virginia. I am not through. That is exactly what I was saying, that at that time the majority members of the Finance Committee repudiated the idea that they were hearings, and the charge made on the floor of the Senate by my former colleague and others was that hearings were being conducted; that parties were being examined; that their statements were being taken down in shorthand and typed up; and that the minority members of the committee, and the Members of the Senate generally, were not having the benefit of the information gathered by those members of the Finance Committee. I feel that we are entitled to see and to hear what takes place in the nature of hearings before a committee of the Senate. The Finance Committee is but an agency of the Senate; its members are not the masters of the Senate; and surely the Senate has a right to instruct its agencies.

Mr. CLAPP. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. MARTIN of Virginia. I yield to the Senator from Minnesota.

Mr. CLAPP. The Senator from Virginia will recall that two years ago the Finance Committee were the masters of the Senate.

Mr. MARTIN of Virginia. They usurped the power of masters, but I never recognized their right to act as the masters of the Senate then, and do not now. They are the agencies of the Senate, and they should respond to the will and pleasure of the Senate. If they could then report a House bill on two or three days' time for consideration, surely they ought to be able to report a House bill now between this time and the 10th day of July, especially when, as the Senator from Mississippi [Mr. WILLIAMS] suggests, it is on the same subject in respect to which elaborate hearings have already been had in public as well as in secret by the majority members behind closed doors.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia further yield?

Mr. MARTIN of Virginia. I do.

Mr. SMOOT. Mr. President, in order that the Senate may understand the conditions as they existed, I wish to state that the then chairman of the Committee on Finance reported to the Senate that there were no public hearings being held; that there was not a reporter in the committee room at any time when the bill was under consideration; but that the House hearings had been printed, that there were nine volumes of those hearings, and that the committee used the House hearings in connection with the consideration of the bill. The chairman of the committee so stated to the Senate; and there never was a time, I say again to the Senator from Virginia, when there was a shorthand reporter inside of the room of the Committee on Finance, and no testimony was reported.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. MARTIN of Virginia. I yield.

Mr. WILLIAMS. Mr. President, I was not a Member of the Senate then, and I am inquiring for information. I understand that the Senator from Utah made the statement that there were no reporters allowed in the committee room. Then I understood him to make, some time before that, the statement that the Republican members did confer with the parties in interest or parties interested—parties who wanted to be heard.

Mr. SMOOT. Parties who desired to be heard for or against the schedule that was under consideration.

Mr. WILLIAMS. Yes. Then I understood the Senator from Utah a little bit after that last statement to which I have called his attention and a little bit before the first statement to which I have called his attention to state that these so-called conferences were not secret. How does he explain that?

Mr. SMOOT. Mr. President, they were not made public any further than as to the men who were interested in giving the committee information. I do not know that you would call statements before any committee of the Senate public hearings unless the public could attend the committee meeting. Those informal hearings were held for statements to be made by parties interested, the same as happens often before other committees of the Senate.

Mr. WILLIAMS. Were not the hearings, I will ask the Senator from Utah, upon the Canadian reciprocity bill public?

Mr. SMOOT. They were public hearings.

Mr. WILLIAMS. Were they not taken down by stenographers and published every morning for the purpose of being made public?

Mr. SMOOT. They were.

Mr. WILLIAMS. Then how can the Senator say that he does not know that any hearings before any committee could be called public?

Mr. SMOOT. We have hearings before committees of the Senate every day in the week, but they are not reported and taken down by a stenographer and are not public hearings. That is the character of the hearings which were held by the Republican members of the Finance Committee upon the Payne-Aldrich bill.

Mr. WILLIAMS. By the Republican members.

Mr. MARTIN of Virginia. Mr. President, we all know that the procedure of the Republican members of the Finance Committee, pending the consideration of the Payne-Aldrich bill, was up to that time unprecedented; and we all know the controlling party is accustomed to having members of its committees get together and deliberate upon public measures and exclude from those deliberations the minority, but the course of the Finance Committee at the time referred to was unprecedented. As the Senator from Utah [Mr. SMOOT] says, the hearings were not public. I say all the more was it subject to complaint when secret hearings were held for weeks, when a stream of people poured into the room of the Finance Committee from day to day and occupied the attention of that committee for a very long time; and yet the world was excluded from knowledge of what was going on in that committee room, and even the Senate was never allowed to learn the testimony that was given for the enlightenment of the committee. I feel that every Senator has as much right to enlightenment on a subject before a committee of the Senate as has the committee itself.

Mr. SMOOT. Mr. President, I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Virginia further yield?

Mr. MARTIN of Virginia. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I should like to ask the Senator if the Committee on Ways and Means of the House, which has just reported the wool schedule, held public hearings or did the public know what they were going to decide upon, and were the Republican members of the Ways and Means Committee of the House present when that schedule was formed?

Mr. MARTIN of Virginia. Mr. President, I venture to say that there were no hearings had by the Ways and Means Committee of the other House behind closed doors when the minority party in the House was excluded from the room, but I will add, Mr. President, that I am not here to review the action of the House committee nor the action of the House. It is not within the province or jurisdiction of the Senate to arraign the other House or any committee of that House. I do not propose to go into a discussion of the procedure had before the House of Representatives or before any committee of the House, but I do have a right to raise my voice in respect to the procedure of a Senate committee, and I am simply exercising that right and expressing my views as to what the proper course is, and what should be done on this particular occasion by the Finance Committee of the Senate.

Mr. SMOOT. The only reason I called the Senator's attention to the matter or asked him the question was because he was stating that there was no precedent for the action taken by the Republican members of the Finance Committee two years ago.

Mr. MARTIN of Virginia. Mr. President, I have no doubt that statement was right in its broadest sense, and I made it in respect to the procedure in the Senate. I feel that there is no occasion whatever for delay about this matter. I do not believe that the Finance Committee contemplate having any hearings on the wool schedule with a view to gathering information and expediting the legislation which was referred to it for consideration with a view to having it expedited. I believe the Finance Committee is indisposed to lend its aid to this legislation as a committee of the Senate is expected to lend its aid to the Senate.

Mr. OWEN and Mr. BACON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Virginia yield, and to whom?

Mr. MARTIN. The Senator from Oklahoma interrupted me first, and I will yield to him.

Mr. OWEN. Mr. President, I merely rise to call the attention of the Senator from Virginia to the fact that not only the Finance Committee submitted no record of testimony of any witnesses before them to the Senate, but they made no report to the Senate on the Payne-Aldrich bill. While it is true that the report of the hearings before the House committee was available to every Senator, it consisted of 8,000 pages of miscellaneous matter, given not under the proper safeguards of an oath.

Mr. MARTIN of Virginia. And they are available yet.

Mr. OWEN. They are available now; but the then chairman of the Committee on Finance in the Senate confessed that he had not read those hearings in the House.

Mr. MARTIN of Virginia. Mr. President, there is ample time between this date and the 10th day of July for the Finance Committee to consider this matter and make a report to the Senate, if it desires to extend that aid to the Senate which the Senate has a right to expect from one of its committees. That is my deliberate judgment. For that reason I rose to express my approval of the motion of the Senator from Oklahoma [Mr. GORE] and to express the hope that it would meet with the favorable consideration of the Senate. I think the time has come—

Mr. McCUMBER. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. MARTIN of Virginia. I yield.

Mr. McCUMBER. I desire to ask the Senator from Virginia one question. He has suggested that we would probably elicit very little useful information if we had hearings before the Finance Committee on both of the bills which are still before it. Would the Senator from Virginia suggest that both of the bills be reported back to the Senate without any hearings on the part of the Senate committee—would that be agreeable to him—so that they might be discussed here at any time or at an early date, or does the Senator desire that there be some hearings had upon those bills?

Mr. MARTIN of Virginia. I am entirely willing to leave that to the Finance Committee, just so they make a report of some kind by the 10th day of July. For my part, I do not believe that any valuable information will be elicited from any hearings that may be given; and, so far as I am concerned, I do not desire to hear any of the evidence that may be adduced before that committee. I think we have had hearings ad nauseam. I believe we now have information enough at the command of the Senate to enable every Senator to reach a conclusion satisfactory to his own mind and just to all interests in this country.

Mr. McCUMBER. What I want to ask the Senator is this: Would the Senator and those whom he possibly represents, or those who have the same view as he, support a motion that both of these bills—the wool-schedule bill and the farmers' free-list bill, as it is called—be reported back immediately to the Senate, without any further testimony being taken by the Senate Committee on Finance?

Mr. MARTIN of Virginia. I shall be glad to see them both reported at the earliest day the committee is willing to report them.

Mr. McCUMBER. But that was not the question. The question was whether the Senator would support a motion to report them back without taking any evidence?

Mr. MARTIN of Virginia. I will support a motion at an early day to discharge the committee from the further consideration of those bills.

Mr. McCUMBER. I would just as soon they would come before us now.

Mr. MARTIN of Virginia. I think it is the duty of that committee to give the Senate a report one way or the other, and I do not believe there is any occasion for elaborate hearings or for any extended consumption of time. If the committee want to have any hearings let them go about it promptly and expeditiously. Why have they not had hearings on the farmers' free-list bill during the several weeks that bill has been before them?

Mr. McCUMBER. Mr. President, if the Senator will allow me, I will state, first, that there have been some hearings upon the free-list bill, though a very few. We had a hearing one day on that bill. Second, as a member of the Finance Committee, I think probably I would favor the proposition suggested in the introductory talk of the Senator of reporting both of these bills back to the Senate without any further investigation by the Senate Finance Committee if the Senator would stand for a motion of that kind.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. MARTIN of Virginia. I yield.

Mr. WILLIAMS. I merely wanted to call the attention of the Senator from North Dakota to the statement made by him, which, unqualified, might deceive the Senate or the country.

Mr. McCUMBER. How is that?

Mr. WILLIAMS. The Senator said that the Finance Committee had had some hearings upon the free-list bill.

Mr. McCUMBER. On one day.

Mr. WILLIAMS. As a matter of fact, what happened was this: While we were having hearings upon the reciprocity bill, some parties being here who desired to be heard later on upon these questions were permitted to be heard in the intervals of the other discussion.

Mr. McCUMBER. Certainly; but it was upon that bill.

Mr. LODGE. But we had a hearing upon that bill.

Mr. WILLIAMS. A number of boot and shoe men came here for that purpose, but there have been no formal hearings upon the free-list bill. They apprehended that at some time that matter would be before the Senate, and those parties, being here in Washington under some misapprehension, they were permitted to be heard then. I think that is a correct statement.

Mr. McCUMBER. That is a correct statement; but that was a hearing upon the free-list bill.

Mr. JOHNSTON of Alabama. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. MARTIN of Virginia. I do.

Mr. JOHNSTON of Alabama. I merely want to apologize to the Senate for my inaccuracy in stating the length of time that the Payne-Aldrich bill was in the Senate Committee on Finance. I said that my recollection was that it was there one day. I find upon referring to the Record that it was received from the House on April 10, 1909, and reported to the Senate on April 12, 1909. So the committee had it for two whole days.

Mr. MARTIN of Virginia. Mr. President, I think two whole days would be amply sufficient for the consideration of the wool bill, because I do not believe there is any occasion for any elaborate hearings on that bill, and if the Senator from North Dakota is unwilling to wait until the 10th day of July for a report he might offer an amendment to the motion made by the Senator from Oklahoma. So far as I am concerned, I was willing to give until the 10th day of July, so that brief hearings could be had if the committee thought they were desirable. I myself do not think they are necessary, and I would be perfectly willing to see both the farmers' free-list bill and the wool-schedule bill reported forthwith from the Finance Committee to the Senate and without recommendation, for I have not the slightest idea we shall ever get a recommendation one way or the other in respect to either of those bills.

Mr. McCUMBER. If the Senator will excuse me, I can assure him that there will be one recommendation one way upon it, the same as there was upon the reciprocity bill.

Mr. MARTIN of Virginia. The Senator means the recommendation of one member of the committee. He does not mean to say that a majority of the committee will unite in a recommendation.

Mr. McCUMBER. I mean to say that there will be a member of the committee who will make a report of some kind on both of those bills.

Mr. MARTIN of Virginia. By the majority?

Mr. McCUMBER. I am not speaking of the majority.

Mr. MARTIN of Virginia. It would not be a report unless signed by a majority of the committee; otherwise, it would be

merely the views of those who signed the report. I do not expect members of the Finance Committee to agree; I do not expect the members of the Finance Committee to give us any light by reason of hearings. I fear that we shall have all the delay interposed that the Finance Committee can interpose to prevent tariff legislation at this session of Congress. For that reason I am willing to unite with the Senator from Oklahoma in an appeal to the Senate to instruct its agency to proceed with the work confided to them, to do that work, and to make a report to the Senate.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Massachusetts?

Mr. MARTIN of Virginia. I do.

Mr. LODGE. I am perfectly willing, as a member of the Finance Committee and as a Member of the Senate, to vote to report both bills and put them on the calendar to-morrow.

Mr. MARTIN of Virginia. That makes two Senators.

Mr. LODGE. Allow me to say that my only objection to that course is that it is as certain as anything can be that, if you put those two bills on the calendar with the reciprocity bill pending, we shall be here until next December talking about reciprocity. I want the reciprocity bill to get through, and I do not want to be held responsible for the inevitable delay that will come if you mix those three bills up together.

Mr. MARTIN of Virginia. That is exactly what I am complaining of. It is another evidence of the unwillingness to trust the people. Why should the Senator from Massachusetts think he is a safer man to deal with this subject than the Senate of the United States?

Mr. LODGE. It is not an unwillingness to trust the people—

Mr. MARTIN of Virginia. If they choose to tie it up and they choose to delay reciprocity, is it not their prerogative to do so?

Mr. LODGE. It is not unwillingness to trust the people. I am speaking of the Senate.

Mr. MARTIN of Virginia. I meant the Members of the Senate. It is the same spirit—

Mr. LODGE. If the Senator means the Members of the Senate—

Mr. MARTIN of Virginia. The distrust of the people elsewhere seems to have gotten into the mind of the Senator from Massachusetts, and he is unwilling to trust his colleagues in the Senate.

Mr. LODGE. I am, as to expedition.

Mr. MARTIN of Virginia. Well, perhaps the Senator has more wisdom than all the rest of the Senate; but at least there are some Senators who will not admit that, notwithstanding the high esteem in which he is held and the wisdom which he always manifests as a Senator on this floor. He is but one Senator. I say that the Senate, as such, or a majority of it, should have the privilege of dealing with bills which have come to it and which are referred to a committee for investigation and report.

Mr. LODGE. Personally, I have not the slightest objection, Mr. President, as I have said, to having those bills reported to the Senate. I should like to have the whole three bills here; and, so far as I am personally concerned, I would agree to vote on them to-morrow. I have not the slightest desire to delay the matter a moment. I only want to relieve myself personally from taking part in doing what I believe will delay the reciprocity bill very much indeed.

Mr. MARTIN of Virginia. The Senator is only responsible for his own actions, and when he makes his report to the Senate he will exonerate himself of all responsibility.

Mr. LODGE. If Senators on the other side will take the responsibility of delaying the reciprocity bill, I have not a word to say.

Mr. MARTIN of Virginia. We will meet such responsibilities as come. There is one responsibility that we are seeking, and it is the responsibility of dealing with the wool schedule. The Senator seems determined that we shall not exercise that responsibility, though it has been conferred upon us by the States that sent us to the Senate for that purpose.

Mr. LODGE. All I want, Mr. President, is to put the responsibility of delay at the door where it belongs.

Mr. MARTIN of Virginia. We accept the responsibility. Give us the bill, and we will take care of it.

Mr. DIXON. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Montana?

Mr. MARTIN of Virginia. I do.

Mr. DIXON. After the inability to get together on the part of the distinguished statesmen who have participated in the dis-

cussion a plan has occurred to me whereby we might get action on those bills immediately, without any regard to the Finance Committee. If you want to pass them in good faith, I would not limit action to the farmers' free-list bill nor the wool bill, because it strikes me that, after the passage of the Canadian reciprocity bill, if we are to have a "farmers' free-list bill," we might also have a "blacksmiths' free-list bill," a "lawyers' free-list bill," a "preachers' free-list bill," and probably 20 other kinds of "free-list bills."

Now, if the Senator from Virginia and the Senator from Oklahoma are in such a hurry to get these bills out of the committee, I will say to them very frankly that, while I am a pretty good protectionist, if they will offer as amendments to the pending reciprocity bill the farmers' free-list bill, as you call it, and the other bills, I will vote for them.

Mr. MARTIN of Virginia. If the Senator from Montana can show the votes to carry those measures into law and will manifest a bona fide purpose of carrying them into law, I am ready to meet him—

Mr. DIXON. I will say to the Senator—

Mr. MARTIN of Virginia. But if he wants these bills offered as amendments for the purpose of assassinating the reciprocity bill, I am not with him.

Mr. DIXON. Oh, there is no assassination in my mind.

Mr. BAILEY. Will the Senator from Virginia permit me?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. MARTIN of Virginia. I yield to the Senator from Texas.

Mr. BAILEY. The Senator from Montana [Mr. Dixon] will have an opportunity to vote to attach the free-list bill to the reciprocity bill. I make no concealment that I intend to offer that bill as an amendment, as I did in the committee, and I would offer it if I knew it would defeat the reciprocity bill, because I want the sacrifice and the compensation of the farmer to go together. I want them both to carry or both to fail. But what I want to know from the Senator from Montana now is this: If after we have given an opportunity to vote to attach that amendment to the bill, if that fails, will he then help us to pass that bill as an independent proposition?

Mr. DIXON. The reciprocity bill?

Mr. BAILEY. No; the free-list bill.

Mr. DIXON. I have not examined the free-list bill. [Laughter.] The amusement comes a little bit early, for I want to say to the Senator from Texas and to my Republican colleagues—and we might as well have an understanding here now once for all—that I will reply to the Senator's question.

Mr. BAILEY. I know the Senator will, and I think I know he is going to say he will do it.

Mr. DIXON. The Senator is not far from the truth. I have always counted myself a pretty good protectionist. I voted for the Payne bill without any apology; it was not perfect, but I voted for it because I knew that no tariff bill that any American Congress ever could enact would be perfect, and because it seemed a comprehensive bill that covered all phases of American industry and American life. The whole theory of protection has appealed to me. I am not in favor of protecting the industries of Massachusetts and not the industries of Montana; I am not in favor of striking down the fishing industry of Gloucester and preserving the lemon industry in California.

It was this broad, national spirit of protection that made me a Republican. It was my belief in the principles of a protective tariff that caused me to cast my first ballot in North Carolina in 1888 for Gen. Harrison for President, running on a protection platform, and I have never varied nor wavered in my allegiance or belief in that policy from that time to this; but I want to say—and we need not have any diplomacy or misunderstanding about it—that when the Democratic membership of the Senate, aided by a few Republican Senators from States which have reaped great benefit from a protective tariff—seek to put the American farmer outside the pale of protection, as is sought to be done under this so-called Canadian reciprocity bill, they are driving a wedge that is as certain to destroy the protective principle as it is that the law of gravity will continue to operate. I will not be the first Republican Senator to strike the blow; I will not be actuated by revenge; but I do say that when Canadian reciprocity becomes a law—and I am addressing myself to the Senators, Republicans and Democrats alike, from Massachusetts and Rhode Island and Connecticut and Pennsylvania and New York and New Jersey, who by their votes are making it possible—there is no more question of what the inevitable result will be than there is that the Senate will adjourn to-night. We need not cheat ourselves about the matter. You can not deprive the farmers

of the West of their measure of protection for the products of their farms and stock ranges and at the same time expect to retain protection for your manufacturers. You shall not, by my vote, make fish of one industry and flesh of another, as is proposed in this misnamed reciprocity pact. We do not propose that the western farmer shall be relegated to a "Jim Crow" car while the eastern manufacturers continue to ride in Pullmans.

At the risk of wearying the Senate I will say that I received a letter in my mail this morning among many other letters, one to which I want the Republican Senators who are supporting reciprocity to listen. I will not read the name, but I will say to you that the man who wrote it is a Republican in my State, a farmer, a man of college education, and a man who knows conditions in that State as well as any man in it. He lives in the great Gallatin Valley, the richest grain valley in the world, not excepting the far-famed Valley of the Nile. The letter reads:

BOZEMAN, MONT., June 16, 1911.

I see by press reports that the opposition to the so-called reciprocity agreement by the farmers is not real; that it is being fostered by the "lumber interests," and so forth. Anyone making any such statement either does so willfully or has taken no pains to correctly inform himself of the true feeling of the farmers. The farmers of this valley are practically a unit in opposition, and we do not need any "ghost dances" or "medicine men" to agitate us either, as Jim Hill has stated. We understand why we do not want it just as well as he understands why he does want it, and it is simply a matter of dollars and cents. Under no circumstances can we be benefited by it.

The report that opposition is dying is not true as far as this part of the State is concerned; in fact, the opposition is stronger than it ever was. The farmer is the joke again, as usual. We are not free traders, but we will be with a little more legislation like that proposed.

Very respectfully,

I want to say to Senators, Republican and Democrat—those of them from New England and New York and Pennsylvania and the others who have lived in the citadel of protection—that that letter I think truthfully reflects the feelings of the farmers of this country to-day—

Mr. GALLINGER. We are getting scores of them from every State.

Mr. DIXON. The men who have given the Republican Party its majorities for the past 40 years. Do not be mistaken, gentlemen. Whenever you deliberately, under whatever pressure, whether from the other end of the Avenue or from the newspapers of your State, who hope to be financially benefited by the "free print-paper" clause, agree and consent to destroy the measure of protection that the farmers of this country have enjoyed, that minute the death knell of protective tariff is rung, and no sophistry of argument, no temporary state of public opinion in your States, and no newspaper editorials are going to save the very thing which I now prophesy from becoming a certainty. It may not last; the probabilities are that the American people after one dose, such as we had from 1893 to 1897, may again recover from the emetic which they will take, commencing with this Canadian reciprocity and winding up with free wool and free everything else. It may bring us to our senses.

You who are supporting this so-called reciprocity scheme talk about being the friend of the farmer! You have already prepared to crucify him on the cross of Canadian reciprocity. And now you Democratic Senators want to put wool on the free list to demonstrate your abiding affection for him.

Mr. BAILEY. There are not 3 votes on this side of the Chamber to do that.

Mr. DIXON. I am glad to know that; but your 20 per cent ad valorem means about the same thing. The bill, as it passed the House, will bankrupt every woolgrower in the West. While it is not quite as bad as the wool bill of 1893, the sheep man will, under its provisions, slowly but surely be put out of business.

Mr. MARTIN of Virginia. I hope the Senator from Montana will not ask to proceed with an elaborate statement.

Mr. DIXON. Just wait. I want to answer the question of the Senator from Texas. Then I will finish.

The VICE PRESIDENT. Does the Senator from Virginia yield further?

Mr. MARTIN of Virginia. I will.

Mr. DIXON. I want to say, do not come in here with pop-gun revision of the wool schedule and a fake farmers' free list. If the Canadian reciprocity bill passes—and it looks as if it is going to—and we destroy the principle of protection, let us not leave Washington with only one corner of the temple torn down. It presents a bad, a mutilated effect. Let us go through the whole list, and out of the ruins which will come, after the American people have taken a new survey of conditions, we may be able to again construct a comprehensive system of protective tariff that will deal justly with all forms of American

industry—manufacturer, farmer, and miner alike—one that will be equitable to all classes and all sections of our common country.

Now, answering the Senator from Texas, when reciprocity passes, if it does, I am ready to start revising the tariff, and it will not be confined to the wool schedule and the farmers' free list. I am ready to take the whole thing from A to Z, and so far as I am concerned, I am ready to give it a revision that will not be a homeopathic one.

Now, I have answered the Senator from Texas, evidently to his satisfaction.

Mr. MARTIN of Virginia. Mr. President—

Mr. BAILEY. Will the Senator from Virginia permit me?

Mr. MARTIN of Virginia. Certainly.

Mr. BAILEY. I ask the Senator the direct, specific, and simple question if the free-list bill, when offered as an amendment to the reciprocity bill, is rejected, will he then vote for it as an independent proposition? I am afraid he talked himself out of a disposition to do so.

Mr. DIXON. No. I want to be frank. To tell you the truth I have not seen the free-list bill. I understand it only as I have read the newspaper headlines. I am not here to say that I shall vote for anything in it, because I do not know what is in it. I want to inquire if shoes and the products of leather are on it?

Mr. BAILEY. They are.

Mr. DIXON. Then, I will say to the Senator from Texas, with a great deal of pleasure I will support that.

Mr. BAILEY. And agricultural implements.

Mr. DIXON. Agricultural implements?

Mr. BAILEY. Of all kinds.

Mr. DIXON. And cotton goods and free rice and almost everything else.

Mr. BAILEY. No. [Laughter.] We cut out everything, I will say to the Senator from Montana—

Mr. LODGE. There is no movement for free rice.

Mr. BAILEY. I will say to the Senator from Montana, that in the amendment, which I offered in the committee, I eliminated all the products of the farm and made it—

Mr. DIXON. And mutton?

Mr. BAILEY. Eliminated that.

Mr. DIXON. Mutton and steers, I understand, are on it.

Mr. BAILEY. No; I eliminated everything that comes from the farm and confined it to the things that go to the farm.

Mr. DIXON. Well, I am—

Mr. BAILEY. The Senator will vote for that, will he?

Mr. DIXON. I am in a state of mind—

Mr. BAILEY. "Almost persuaded." [Laughter.]

Mr. DIXON. I am waiting, preferring that the Senator should strike up that hymn again and postpone his question until reciprocity has become a law. I am going to vote—

Mr. BAILEY. I am not going to press the Senator from Montana, because I believe he will vote for it.

Mr. DIXON. Do not have any fear about shoes and leather. I remember two years ago in this Chamber when the biggest humbug ever put up to the American people came up, when the shoe manufacturers and the tanners engaged in a joint propaganda to persuade the Congress to give them "free hides," and said that if we would give them "free hides" they would give the people "cheap shoes." I remember the little pink slips that the shoe drummers peddled all over my State, addressed to the Congressmen and Senators, "Please vote for free hides so that we may have cheap shoes." I saw the lobby of the shoe manufacturers and the tanners becloud the Senate Office Building that spring demanding "free hides" in the "interest of the people" of the United States, that they, the people, might have "free shoes."

Mr. MARTIN of Virginia. I hope the Senator from Montana—

Mr. DIXON. Gentlemen on the other side of the Chamber supported it, and a very few on this side did. We got "free hides." The people of the United States got left. Shoes and leather went up in price immediately. The result was that the farmers and cattlemen lost the 15 per cent duty on hides, the United States Government lost \$2,000,000 in revenue, and the tanners and shoe manufacturers divided the profit.

Mr. BAILEY. Will the Senator from Montana permit me?

Mr. DIXON. The Senator from Texas was broadgauged enough at that time to foresee what would happen, and he did not vote, under his idea of a revenue tariff, to deprive the farmer of the protection of 15 per cent on cattle.

Mr. BAILEY. And the Government of more than \$2,000,000 of net revenue that it was getting.

Mr. DIXON. And he so prophesied at that time.

Mr. MARTINE of New Jersey. Mr. President—

The VICE PRESIDENT. Just a moment, until the Chair ascertains whether the Senator from Virginia will yield.

Mr. MARTINE of New Jersey. I should like to have a few moments.

Mr. DIXON. I understand the Senator from New Jersey wants to ask me a question.

The VICE PRESIDENT. The Senator from Virginia claims the floor for himself. Other Senators are asking recognition. Does the Senator from Virginia yield to the Senator from New Jersey?

Mr. MARTIN of Virginia. For a question.

Mr. MARTINE of New Jersey. I want to set myself right. The distinguished Senator from Texas—

The VICE PRESIDENT. That is not a question.

Mr. MARTINE of New Jersey. The distinguished Senator from Texas says that there are not three men on this side of the Chamber who will vote for free wool. I do not know who those three men may be, but I want to say for myself I will vote for free wool with you, and I will vote for free sugar, too.

Mr. DIXON. Will you vote for free leather?

Mr. MARTINE of New Jersey. Yes, sir; I will vote for free leather.

The VICE PRESIDENT. The Senator from Virginia has not yielded to the Senator from Montana.

Mr. MARTIN of Virginia. I know that the Senator from Montana thinks the farmers of the country have tired of the domination of the Republican Party.

Mr. DIXON. Oh, no.

The VICE PRESIDENT. The Senator from Virginia has not yielded, and nobody has requested him to yield.

Mr. DIXON. But by his smile he invited an answer.

The VICE PRESIDENT. The Senator from Virginia has the floor.

Mr. MARTIN of Virginia. He sees the handwriting on the wall; everybody else sees it there; and the line of cleavage between the old-line Republicans and the American farmer is a little more distinct than the line of cleavage between the Senator from Montana and many of his associates on the floor of the Senate.

Mr. DIXON. Let me answer.

Mr. MARTIN of Virginia. I will yield.

The VICE PRESIDENT. Does the Senator from Virginia yield?

Mr. MARTIN of Virginia. I will.

Mr. DIXON. No; the Senator from Virginia is only half right. The American farmer sees the entire Democratic membership, except two or three, arrayed against him on this question of reciprocity, while only a minority on this side of the Chamber will support the bill.

Mr. MARTIN of Virginia. The Senator seems to forget that the originator of this movement is the President of the United States.

Mr. DIXON. I have some doubt about that.

Mr. MARTIN of Virginia. He has at least assumed responsibility for it. It would not have been here in the Senate except by his ipse dixit.

But there are, Mr. President, about 13, or around that neighborhood, Members of the Senate who have heretofore been loyal Republicans who now see this protective-tariff system carried to such an extent that they are in revolt against it.

Mr. DIXON. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield further to the Senator from Montana?

Mr. MARTIN of Virginia. I yield.

Mr. DIXON. I am a protectionist, and I always have been.

Mr. MARTIN of Virginia. I have not put you in that list. I thought the Senator was putting up a little establishment of his own, and that he had brimstone and was proposing to put some fire to it, and no doubt he will open a small shop before he gets through with it, if he proceeds on the line he has indicated here this afternoon.

Mr. DIXON. Just as big a one as I know how.

Mr. MARTIN of Virginia. The Senator from Montana need not be uneasy about a popgun performance. If we can get these 13 or these 11, as it may be, progressive Republicans to stand up with us for true and honest downward revision of the tariff we will give you a dreadnought broadside and not a popgun performance. We just want about a half dozen votes, and we will show you some tariff reform sure enough, and if you are earnest, just come up to the book, and we will go ahead with the performance.

Mr. DIXON. Will the Senator from Virginia yield?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Montana?

Mr. MARTIN of Virginia. Certainly.

Mr. DIXON. Make your promise good. Let me suggest a way to you. If you are in good faith and not playing politics—

Mr. MARTIN of Virginia. I do not think I should be called upon to yield the floor to—

The VICE PRESIDENT. The Senator from Virginia declines to yield further.

Mr. DIXON. Just offer a whole tariff bill.

The VICE PRESIDENT. The Senator from Virginia declines to yield.

Mr. DIXON. He is yielding for that purpose.

The VICE PRESIDENT. But the Senator from Virginia says he is not.

Mr. WILLIAMS. How would you get it out of the Finance Committee?

Mr. DIXON. We will vote with you.

Mr. MARTIN of Virginia. I have digressed further than I intended. I did not contemplate occupying more than five minutes of the time of the Senate, and that was simply to endeavor to express the idea that the committees of the Senate are the servants and the agents of the Senate, and they should respond to the orders of the Senate. It is no discredit to a committee to be appealed to to do that for which it was created.

I want these bills that are before that committee reported out of that committee, and I do not care whether there is a recommendation one way or the other. I just want the Finance Committee to discharge its duty and make a report to the Senate one way or the other, and that was the motion made by the Senator from Oklahoma; and I believe that motion ought to prevail, and I hope it will.

Mr. GALLINGER. The bill is not yet before the committee.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. The Senator from Oklahoma once or twice indicated a desire to speak when other Senators were on the floor. Does the Senator from Oklahoma desire to be recognized?

Mr. GORE. In a moment.

Mr. WILLIAMS. Mr. President, I do not want to add anything to the economic information of the Senate right now, but I want to emphasize and try to carry down to history a piece of historical information, a thing that, at any rate, may be interesting to future generations.

The Republican Party has had a great many great leaders. I used to say that the Republican Party had been guilty of everything except stupidity. Blaine was a great leader; Thomas Reed was a great one. There are lots of them, and a great many of them gave to the country a great many keynote utterances that seemed to tickle the ears of the groundlings whether they made the judicious grieve or not; and a great many of them gave to the world some keynote utterances that were really worthy of recollection.

But it remained for this day of our Lord's grace for an elected leader of the Republican Party to utter the newest Republican note thus far uttered to an admiring universe. While the Senator from Virginia was talking, the Senator from New Hampshire interrupted him, and said that the people who were raising wool and the people who were manufacturing wool deserve some consideration. The Senator from Virginia replied by saying, "Yes; and the people who are wearing clothes deserve some consideration." Whereupon there came from the great well, the deep well of the intellect and economic ability of the present leader of the Republican Party this utterance: "It depends upon whether they wear clothes made out of American wool or not." The man who wears clothes deserves consideration, provided he wears clothes made out of American wool. That is the latest, the newest, the cleanest, the brightest, the wisest, and the deepest Republican utterance yet.

In the hearings before the Finance Committee I discovered a great many new Republican doctrines. Years ago the chief defense of the tariff was that the foreigner paid it, anyhow. They have quit that now. A little while before that the defense of the tariff was that you wanted to build up industries, protect infants until they could grow. They have quit that now; that is not bothering anybody. Then a little bit later on they took recourse in the assertion that protectionism was justified by the fact that they wanted to equalize the price of labor in foreign manufactories and in the manufactories of the United States.

Mr. DIXON. Mr. President—

The VICE PRESIDENT. Does the Senator yield?

Mr. WILLIAMS. And, as they could not find any difference in the labor cost between Canada and the United States upon which to base their claim for protection with regard to the matters dealt with by the Canadian reciprocity agreement, they shifted their base again.

Mr. DIXON. Mr. President—

Mr. WILLIAMS. In a minute, because this is so interesting. Then they wanted us to found a system of protection upon what, do you suppose? The comparative infertility of our land. Then they wanted us to found a system of protectionism upon what else, do you suppose? Upon the comparative greater nutritiousness of Canadian grass; and when we examined into that we found that the grass grew richer the farther you went north; and then when some of these people who were being heard were interrogated about the nutritiousness of Mexican grass, some of us being of the impression that going farther and farther and farther south the grass daily and daily losing more and more nutrition, by the time you got to Mexico it could not feed anything, we found that the Rio Grande was a sort of boundary which started a new process of nutrition in grass.

Then later on from the State of North Carolina, the State of my forebears, came a new basis for a system of protection. Hitherto they have argued that you ought to have protection because American labor was paid higher wages, but North Carolina lumbermen actually argued that they ought to have protection because, although their labor was paid half as much as the labor in Canada, it was so much less efficient that the cost of production had to be equalized. On the one hand, protection because labor is higher; on the other hand, protection because labor is less efficient.

Now, I will yield to the Senator from Montana.

Mr. DIXON. The Senator has given a definition of the Republican Party's position on protection, its historic growth or evolution. Getting down to the modern Republican doctrine of protection, I believe it is to equalize the difference in the cost of production at home and abroad.

Mr. WILLIAMS. The cost of labor, I thought it was.

Mr. DIXON. To my great surprise the other day I was reading the Democratic Party's national platform—

Mr. WILLIAMS. I yielded to the Senator merely—

Mr. DIXON. I want to call the Senator's attention to something more interesting than what he has recited. The Democratic platform on which Mr. Cleveland ran for President the second time said that party favored a tariff for revenue, with a view to equalizing conditions in the cost of the manufactured article abroad and at home, taking into consideration the difference in wages in the two countries. Now, I should like the Senator from Mississippi to differentiate between the Democratic Party's platform in Mr. Cleveland's time and the Republican position of to-day, for they are in almost identical words.

Mr. WILLIAMS. I yielded for a question, and I prefaced my remarks this afternoon by saying that I did not rise for the purpose of adding to the fund of economic information. I was only calling attention to incidents of history that are very dear to me as a student of history and as a hero worshiper. I first rose for the purpose of worshiping the brand-new idea which sprang from the brain of the Senator from New Hampshire, and while I was about it I thought I would call the attention of the country to some comparatively new ideas that had been developed before the committee.

Now, I shall not undertake to expound the profound meaning of the Democratic tariff platform of 1888.

Mr. DIXON. It was practically on all fours with the Republican declaration of to-day.

Mr. WILLIAMS. I do not care to deflect here. I will say this much, however, to the Senator from Montana, that, in my opinion, there has never been any difference in principle between protectionism and so-called incidental protection.

Mr. DIXON. I agree with that.

Mr. WILLIAMS. I have never in my life seen any difference. The principle is the same. They differ only in degree.

Now, Mr. President, our amiable friend, the Senator from Pennsylvania, who generally keeps so quiet and intrudes himself so little upon public discussion, never was known, that I know of, to threaten anybody until to-day. But his threat carries with it no horrors, so far as I am concerned. He informs us that if we do not behave like good children we will be here until we see the snow on the ground. I want to inform the Senator from Pennsylvania that, so far as I am concerned, I, in the first place, wish I could see the snow on the ground to-day [laughter], but if I have to wait until in the due course of nature the snow falls, I, even I, will abide with thee from now until the snow falls, and from then till the buds come in the next spring, and from then on till the dog days in the next August, and from then on till the snow falls again in the following winter, and from then on till the trees begin to put forth their leafy buds on March 4, 1913, unless the Senate of the United States and the Finance Committee will give us a vote—we ask nothing else—upon the most salient and important measures which the Demo-

cratic House has passed—in its opinion, at any rate—in the interest of the people of the United States.

We do not ask you to vote our way; we simply ask you to go on the record; and we especially ask gentlemen from the West who have been cursing standpatters because the last campaign was waged upon a pledge and promise to revise the tariff downward by those who afterwards revised it upward, to sit with us until March 4, 1913, unless we can get these votes. He serves his party best who serves the people best. If you really do want to revise the tariff downward, stay with us until we do it—especially on Schedule K.

Oh, I remember well how, when I was sitting in the library of my plantation home in Mississippi, relegated for that two years to private life, I would get the CONGRESSIONAL RECORD and read the utterances of that distinguished and eloquent and now deceased Senator from the great State of Iowa, Mr. Dolliver, as he tore to shreds this Schedule K, this woolen schedule; as he exposed its iniquities and its cheats and its pretenses and its oppressions; and I remember that the sitting Senator from the State of Iowa was not far behind him then. Has any change come over the spirit of his dreams? Has any change come over the dream of the apostle of protection himself, who, almost providentially, though accidentally, is approaching the Democratic Party by the position of the seat he occupies at any rate. Has any change come over the spirit of the dreams of the Senator from Kansas? Did you mean what you said then, or were you fulminating in the air? Do your people want these reductions of taxation? Is the popular force which was behind you then behind you now? Do you desire to serve them by doing their will as well as doing the thing that will subserve their interest? If you do, you need not bother with putting the wool bill upon the reciprocity bill as an amendment. If you do, and you wish to regenerate Schedule K and make out of the abnormality and monstrosity a clean child, even though it be a protectionist child, even though you do not reduce the duties down to where we Democrats would like to see them reduced, hold the Senate here; amend the House bill on Schedule K—the woolen schedule—as far as you can to suit yourselves, and help us to put it through.

I ask, Senators, do you contend that the Canadian reciprocity bill discriminates against the farmer; that it puts what he produces and sells upon the free list while it retains upon the heavily taxed list the things that he must buy?

Very well, then, after Canadian reciprocity is passed, let us compensate him by passing, not the free-list bill, but a free-list bill. If the House free-list bill will not suit you, go out and get together and offer here one in the interest of the farmers that will. Offer the various schedules and items of it as amendments to the House free-list bill, as it is brought up here for consideration. You may neglect to put some things on it that I would like to see there, but you will not put anything on it that I can not vote for.

Outside of this Chamber, are the people of the United States deserving of consideration, whether it happens that the clothes they may wear are made out of American wool or Australian wool; deserving consideration whether it happens that the hats they wear were made in Great Britain or made in New England; deserving consideration whether it happens that the shoes they wear were made in New England or made somewhere else? Here we are—gladiators in an arena fenced off by party lines. But the interests of the American people are a solidarity. Whatever their wishes and party affiliations may be, their interests are an independent thing, with which politics has nothing under the sun to do. Stay here until the snow falls. I am willing to stay here until the snow falls, and if a Democratic House serves a notice to that effect, I am willing to sign a paper with every Democratic Senator on this floor to the effect that we will abide with them until the wee small hours of the remote years.

I am willing and more than glad and I would be rejoiced to have my friend, who formerly served with me in the House, now one of the distinguished Members of this body, and all the gentlemen who have been giving the standpatters fits because they did not revise the tariff downwards, stay here with us and revise it downward, schedule by schedule, as the House gives us the opportunity, for it alone can originate revenue bills.

Mr. GRONNA rose.

Mr. WILLIAMS. I yield to the Senator from North Dakota.

Mr. GRONNA. I want to say to the Senator from Mississippi for whom, as he knows, I have the highest regard, that I am willing, I will say that I intend to vote for the motion made by the Senator from Oklahoma, but in connection with that I wish to ask the Senator a question. The Senator has referred

to the progressives. Can the Senator from Mississippi name one single item that is now included in the reciprocity bill for which the progressives in the Senate or in the House gave a vote to have the tariff reduced upon?

Mr. WILLIAMS. I beg my friend's pardon; I did not hear him.

Mr. GRONNA. I asked the Senator this question: Can the Senator from Mississippi name one item that is now included in the reciprocity bill for which the progressives in the Senate or in the other body made a fight and in regard to which they contended that the tariff was too high.

Mr. WILLIAMS. Frankly, at this moment I can not, and still more frankly I would not desire to do it. I am not engaged now in cultivating differences between you. I am engaged in trying to find points of agreement and mutual cooperation.

Mr. GRONNA. Mr. President—

Mr. WILLIAMS. I shall be very much pleased, indeed, if we can not agree upon many things that will benefit the American people, that we shall agree to a few.

The VICE PRESIDENT. Does the Senator from Mississippi yield further to the Senator from North Dakota?

Mr. WILLIAMS. Certainly.

Mr. GRONNA. Evidently the Senator from Mississippi misunderstood me. I said to the Senator, and I only speak for myself—

Mr. WILLIAMS. Yes.

Mr. GRONNA. That I am willing to vote and ready to vote for the motion made by the Senator from Oklahoma.

Mr. WILLIAMS. Oh, I beg my friend's pardon. I did not hear that much of his remark.

Mr. President, so far as this particular motion is concerned, why not let us deal honestly with one another and honestly with the people? It ought not to be a hard job. There is not a man within the sound of my voice who does not know that nobody expects the slightest enlightenment from any further hearings on the woolen schedule. If you will tell me when a so-called witness comes before the Finance Committee what business he is engaged in, where he comes from, and what political party he belongs to, I can write out his hearing beforehand. I say that from long experience on the Ways and Means Committee of the House and the Finance Committee of the Senate. I have made this statement to several Republican Senators laughingly, and they have agreed with me that they could do the same thing.

What further light does the Senator from Pennsylvania want upon the woolen schedule? Bless my heart, if the light that met Saul on his way to Tarsus would come across his pathway, he would still vote for Schedule K, and he would still vote against the House woolen bill.

Mr. PENROSE. Will the Senator permit me?

Mr. WILLIAMS. Yes.

Mr. PENROSE. I am prepared to consider carefully a revision of Schedule K. It has been on the statute books for a long time. But the Tariff Board has the matter under investigation and will not report until December; and I feel that I ought to be permitted to pursue my own method of investigation. If I feel that I can give a more intelligent opinion upon the revision of the schedule after the report of the Tariff Board and not in the urgent manner suggested by the Senator from Mississippi, I hope he will allow for the infirmity of my judgment and give me an opportunity to have that time.

Mr. WILLIAMS. "Thou, Paul, almost persuaded me."

Mr. PENROSE. One minute more. The committee is in receipt of a great many requests from Democrats and Republicans from all over the country requesting hearings on the woolen bill and the free-list bill; and if I recollect aright, the very lengthy hearing which we gave covering several days was to hear a number of gentlemen from Texas who were opposed to the free-list bill. I should like to be able to give people from all over the United States some opportunity at least to appear in Washington and record their views about these impending changes.

Mr. WILLIAMS. Mr. President, I do not know the precise time it takes now to come from San Francisco to New York, but under the motion of the Senator from Oklahoma a man would have time to come from San Francisco to Washington twice and go back. Twenty days is no short time for hearings before a committee. The Senator from Pennsylvania can not create the impression upon the country that we are cutting off hearings. The motion is that the Finance Committee shall report back the bill on or before the 10th day of July, which is 20 days away—very nearly 3 weeks. That is the first proposition.

The next proposition is that if a Finance Committee at the last Congress could report to the Senate the woolen schedule

of the present tariff law, after no public hearings of any description, but upon the information obtained by them from the House hearings and some secret conferences with interested parties, then those nine volumes of House hearings are still before the Finance Committee as the basis of information, and there is no way under the Constitution or under the laws of preventing them from having such secret conferences with parties interested now as they choose, and 20 days is a long enough time to have them in, it seems to me.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Iowa?

Mr. WILLIAMS. Yes.

Mr. CUMMINS. Mr. President, inasmuch as the Senator from Mississippi has honored me with a reference during his very eloquent address, I want to reassure him, together with all his associates upon that side of the Chamber, as well as all my political associates upon this side of the Chamber, that my opinions with respect to the tariff have not changed in two years. They have rather been emphasized and intensified. I expect that my votes during the remaining days of the present session will be entirely in harmony with the arguments I submitted and the votes I cast two years ago, but I now want to ask the Senator from Mississippi a question.

Mr. WILLIAMS. Before the Senator asks me the question, let me express my gratification at what I have just heard and express the hope that there will be at least six of you, seven, let us say—

Mr. CUMMINS. I think, Mr. President—

Mr. WILLIAMS. To constitute a majority of one in this body, and then we can either carry through the House woolen bill or we may, in some respects, concede to one another and make it a little bit better and put it on the statute book so that the people who deserve no consideration, unless they happen to wear their clothes made out of wool raised in the right place, might not be—

Mr. CUMMINS. I have a little sympathy with that suggestion as has the Senator from Mississippi. I do not speak for any of my progressive associates. I would not venture to pledge them to any course.

Mr. WILLIAMS. I do not ask you to do that.

Mr. CUMMINS. I only know what I intend to do. I now desire to ask the Senator from Mississippi a question: Does he believe that the reciprocity measure, so-called, if adopted, demands some compensation in behalf of the farmers whose products are put in free competition with Canada, and that such compensation should come in the form of either reduced duties or an enlarged free list in the general tariff?

Mr. WILLIAMS. Mr. President, in answer to the question just propounded by the Senator from Iowa, I will say that I do not believe that the Canadian reciprocity bill is of such a character as that it will injure the farmer and demand compensation; but I am willing to give the farmer what the Senator from Iowa chooses to call compensation and what I call justice; not as a matter of trade for Canadian reciprocity, but as lagniappe, as they say in New Orleans. They make a trade, and after it is made the merchant gives the child a stick of candy for lagniappe. I am willing to give it to the farmer because justice demands it, because Democratic principles and ideas demand it, because it is relief and not compensation.

But the motive that actuates me and the motive that actuates the Senator from Iowa have nothing to do with our walking along the same path toward the same end. It makes no difference if he calls the relief from taxation to the farmer compensation for what he considers a legislative injustice done by the reciprocity bill, and whether I consider it merely a right that he has, that God gave him, to be as little taxed as can be consonant with the necessities of Government revenue. We will not mind about that.

Mr. CUMMINS. But, Mr. President, I do mind. I believe it is the rankest injustice to so adjust our laws that the farmer will be compelled to sell everything that he produces in a free market and buy everything he buys in a market protected by duties upon manufactured products, for which there is no defense whatsoever.

Mr. WILLIAMS. The Senator and I shall not quarrel about that, sir.

Mr. CUMMINS. Now, then, here is, I fancy, however, the point at which we part. It is perfectly well known—

Mr. WILLIAMS. We were getting along so nicely. [Laughter.] I wish the Senator had not brought up that point.

Mr. CUMMINS. I may be compelled, however, to sever these beautiful relations, for we must look the facts in the face. The Senator from Mississippi has announced, I think, heretofore his intention to vote against any amendment that may be proposed

to the reciprocity measure. It is well known that those who favor this measure are in the majority here, a large majority, as I am told by those who have canvassed the votes of the Senate. Let us assume, therefore, that the reciprocity measure is passed; it is approved, and it becomes a part of the law of the United States. We pass the free-list measure. We readjust Schedule K. We enter into some of the iniquities of the metal schedule.

Mr. WILLIAMS. And the cotton schedule.

Mr. CUMMINS. And we try to destroy some of the privileges in the cotton schedule; but I fear that when they reach the Executive Department, by reason of the failure on our part to enjoy the information that will come from the Tariff Board, those bills will be vetoed and will therefore not become the law of the land.

If I understand the position of the Senator from Mississippi aright, in his zeal for lower duties, he will have put the farmer of the United States into free competition with Canada with respect to all that he produces, and he will have failed to relieve him of a single one of the high duties that burden the commodities which he must buy. There is the point of difference. I want the Senator from Mississippi to so unite these measures of relief that—

Mr. WILLIAMS. To so unite that we would kill the bill.

Mr. CUMMINS. That there shall be a disposition of all of them by the same vote in the same instrument.

Mr. WILLIAMS. Mr. President, there may be in the Senate a majority for a reformation of the woolen schedule; I think there is, if gentlemen who have hitherto poured out the vials of their wrath and their maledictions upon that schedule have not changed their opinion. There is, I know, a majority in favor of the Canadian reciprocity. But I also know that the lines cross and that there is not a majority in favor of the two tacked together, and everybody within the sound of my voice knows that.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi further yield to the Senator from Iowa?

Mr. WILLIAMS. I do.

Mr. CUMMINS. I want to correct the Senator from Mississippi here. I do not mean that he has made any misstatement, but to put my judgment against his own. I believe there is a majority in the Senate for a general and uniform reduction of the duties of the present law.

Mr. WILLIAMS. Mr. President, it became a part of my self-appointed task to find out whether, if some of these measures were tacked upon the Canadian reciprocity measure, there would be votes enough, not to do the tacking—there would be plenty for that—but to make the tacked instrument a law later on. I did not lightly conclude that that majority could not be found, and I know that when I want two things, even though I can not get one of them, it would be stupid to throw away both.

Now, the difference between the Senator from Iowa and me upon the Canadian reciprocity consists in this, that he sincerely believes it will seriously injure the farmers of this country and I do not.

Mr. CUMMINS. Mr. President—

Mr. WILLIAMS. One moment.

The VICE PRESIDENT. The Senator from Mississippi declines to yield for the present.

Mr. CUMMINS. I do not want the Senator from Mississippi to—

The VICE PRESIDENT. But the Senator from Mississippi declines to yield.

Mr. WILLIAMS. I will yield to the Senator.

Mr. CUMMINS. I did not want the Senator from Mississippi to understand that I believe in the somewhat hysterical statements which have occasionally been sent out for publication, that free trade with Canada in agricultural products will ruin or destroy the American farmer. I do believe, however, that it will result in some diminution in the prices of some agricultural products.

Mr. WILLIAMS. Ah, so do I—a few things raised along the border that are affected by local trade conditions. That I thought was the difference between us. Whether it be the difference between us two or not, it is the difference between me and the men of whom I have selected you as a type. They believe that Canadian reciprocity will seriously injure the American farmer, and I do not believe one word of it. I remember when we had the Cuban reciprocity measure up in the House of Representatives—and I can refer to that House now, because it has passed into history—it affected southern agricultural products, sugar, rice, and all the things that our people raise. They became perfectly hysterical down there, and there moved down upon the Capitol, as the present President of the

Senate will remember, a perfect army of beet-sugar raisers from the Northern States. It was said that beet sugar was going to be put out of existence by Cuban reciprocity; that Louisiana cane could never for a moment be grown again with a particle of profit. They knew it all. They knew it so well that there were tears in their voices while they told us about it. Their voices reminded me of the tone of the voice of my friend who sits just opposite me whenever he mentions Canadian reciprocity. I saw upon the floor of the House of Representatives one of the best friends I ever had, and one of the most intelligent men, and heard him while he stood and made a speech in which he scared himself out of his boots at the prospects of a half-naked and half-fed anemic Cuban; and, later on, when the Philippine free-trade bill came up, at the prospect of a half-naked, half-fed, and half-paid anemic Filipino with a water buffalo and a crooked stick running Louisiana out of the rice business, with her magnificently organized system. They even went so far as to tell us that all the rice our people would eat would come from the Philippines and from Cuba—

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. WILLIAMS. Wait a minute until I finish this—would come from the Philippines and from Cuba; and as to that, when I replied to some of them, "But, my dear boy, the Filipinos have got to live, and they live on rice." "Oh, yes; but they will raise their rice and send it to us, and they will buy their rice from Canada." [Laughter.] In some of these hearings, I think, somebody was going to have the Canadians send us some of these things. The Canadians were going to sell us their lumber, while they bought lumber from Australia or somewhere just across the Pacific.

Mr. CURTIS. Does not the Senator from Mississippi know that they are importing rice into the Philippine Islands, and were doing so at the time the so-called Philippine bill was pending here?

Mr. WILLIAMS. Yes; I do, and that made the idea of being scared to death about the Philippine rice of greater insubstantiality to the people that were frightened about it.

Mr. CURTIS. Mr. President, will the Senator from Mississippi submit to another question?

The VICE PRESIDENT. Does the Senator from Mississippi yield further?

Mr. WILLIAMS. Yes.

Mr. CURTIS. Has the Senator from Mississippi changed his position on the wool question from the position which he occupied in 1894?

Mr. WILLIAMS. If the Senator will tell me what position I occupied in 1894, I will tell him whether or not I have done so. [Laughter.] I belong to a class of organisms that grow. I do not know whether I have changed my position or not. Tell me what my position was then and I will answer the Senator.

Mr. CURTIS. The Senator voted for free wool in 1894, as I remember.

Mr. WILLIAMS. Yes; I voted for the Wilson bill, and, by the way, I would prefer to have a slight revenue duty upon wool, as I would prefer to have a slight revenue duty upon all other things, but if I can not reduce taxes on any article except by putting it on the free list, I am going to put it on the free list if my vote will do it. If I can not relieve the consumer in keeping with the beautiful and symmetrical proportions of a tariff-for-revenue-only theory, I will relieve him anyhow whenever the chance comes and it is in my power to relieve him.

In answer to the Senator from Kansas I will say that I do not know that I have changed my opinion, but I am going to change my vote. I voted for free wool when it was upon the Wilson bill because it was there. That bill, in my opinion, was not then, as the Senator will remember, the abortion that it afterwards became when the Senate of the United States got through doctoring it; but on the Wilson bill I voted for free wool because it was upon the bill and the bill reduced taxes upon the people. I am going to vote for the House bill with a 20 per cent duty on wool for exactly the same reason.

Mr. CURTIS. The Senator voted for the final passage of the Wilson bill, which contained a provision for free wool.

Mr. WILLIAMS. Oh, yes, I did; and many a poor fellow traveling through the wilds of the banditti country in Italy has surrendered his purse thinking that it was better than to run the chance of losing his life. What has my vote for free wool got to do with this question? [Laughter.] I never was a hero in my life; I never sought the rear for safety; but I never sought the front for glory, and I am far from being a hero. Whenever I am half-starved and dying for a loaf of bread, and somebody comes along with a long knife and says, "I want half of that," and presents the knife, and half a loaf will do me

good, I am going quietly to let him have half of the loaf and keep his knife, and I am going to eat the other half and thank God for that much. [Laughter.]

Mr. DIXON. How if he wants all of it?

Mr. WILLIAMS. Oh, my friend, the Senator from Montana does not belong to the progressives. He voted for the Payne-Aldrich bill. He will not join in this tirade against Schedule K, and yet he begins to see the error of his way. A moment ago I expected him to paraphrase the Scripture while the Senator from Texas was interrupting him, pleading with him, calling him up to the mourners' bench, and having an experience meeting with him. I expected him to say: Thou, Joe, almost persuadest me. I hope that before we are through somebody will have persuaded him completely—

Mr. DIXON. Mr. President—

Mr. WILLIAMS. And that he will be just as we are to-day, save these minorityship bonds.

Mr. DIXON. I did have a text of Scripture on my mind, but in the mêlée I forgot to quote it. The one that occurred to me when the Senator from Texas was on the floor, if I remember my Sunday-school lessons aright, was: "Unto everyone that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath." I wanted to apply that.

Mr. WILLIAMS. That idea failed to occur to the Senator, an old, life-long Republican, until it was suggested by something that was said by the Senator from Texas. I am astounded, because I had always looked upon the genial Senator from Montana as one of the most quick-witted of men, and how any man could have gone through a lifetime, beginning early, even in North Carolina voting the Republican ticket and advocating and standing for protectionism, without having remembered it not only as a quotation but as a creed, that part of the Scripture which says, "Unto everyone that hath shall be given, and he shall have abundance; but from him that hath not shall be taken away even that which he hath," I can not understand. [Laughter.]

Mr. GALLINGER. Mr. President, I do not propose to detain the Senate at this late hour for more than a few moments. I have listened with a great deal of interest to the speech of the Senator from Mississippi [Mr. WILLIAMS], and I listened with interest to his criticism of a reply that I made in response to a remark made by the Senator from Virginia [Mr. MARTIN]. I do not recall precisely my words. Possibly the Senator quoted them correctly; but if he did, it was an inadvertence on my part. My position is well known in reference to the doctrine of protection. As the Senator from Mississippi knows, it is as wide as it possibly can be from the position that he occupies.

The Senator has told us of some things that happened in the committee. I will not refer to them beyond saying that, if they are attentively perused, the fact will be developed that the Senator from Mississippi more than once gave us to understand that he was a practical free trader, and that he would not balk at putting almost any product on the free list if he had an opportunity to do so.

Mr. WILLIAMS. I do not want to interrupt the Senator—

Mr. GALLINGER. I yield to the Senator.

Mr. WILLIAMS. But if he can find anything that justifies that statement, I should like him to put it in the Record.

Mr. GALLINGER. I think I shall be able to find it; if not in express terms, then by implication at least. Mr. President, the Senator from Mississippi takes issue with me on the question of protection, and I want to say to the Senator from Mississippi that, while we may not be as persuasive as he, while we may not be as erudite as he, or be able to entertain either the Senate or the galleries as well as he can, when this issue is drawn between the two political parties in the Senate or out of the Senate those of us who believe in the doctrine of protection will be quite ready to discuss that question. For myself, I regret that the issue has come in to-day to interrupt the consideration of the bill that we have been considering for so long a time.

I had no disposition, and have no disposition now, Mr. President, to delay a vote upon the so-called reciprocity measure. From my point of view it is not reciprocity at all, but it is here before us. The committee gave it careful consideration and listened patiently to men from the South, men from the North, men from the East, and men from the West, and it is now before this body for its deliberate consideration and action. For myself, I have no disposition to unduly delay it. I shall vote against it, but if in the wisdom of this great assembly it is thought best to put that measure on the statute book, I shall be content and trust to the future for my vindication.

Mr. President, I am against the bill that has come here from the other House dealing with the question of wool. We had an experience a few years ago which I think will be duplicated if that bill becomes a law. If this debate is to continue along tariff lines, I will take occasion in my own time and at my own convenience to call the attention of the Senator from Mississippi and of the Senate to what happened to the woolen industry in the New England States under the Wilson Tariff Act of 1892.

I am in favor, Mr. President, of American labor and American industry. I prefer that employment be given to an American in preference to a man owing allegiance to any other country on the face of the earth. I am in favor of increasing the flocks of sheep in this country instead of decreasing them. I believe that by proper protection we can greatly increase our flocks of sheep and raise a much larger proportion of the wool that is being consumed by the American people to-day. I am in favor, Mr. President, of protecting the factories and the mills that are producing woolen goods in this country, because I prefer that labor at high wages be given to the people of America rather than to the people of any foreign country.

I do not know certainly, but I think I can turn to the record and show what our imports of wool and woolen goods have been of recent years. I find the figures, and here they are: In the year 1909 we imported over \$18,000,000 worth of the manufactures of wool, and in that year we imported 293,000,000 pounds of foreign wool. If we can manufacture those goods in this country, and if we can raise that additional amount of wool in this country, then I prefer that those goods shall be manufactured here, and that that wool shall be raised in our own country rather than in Europe, in Australia, or in Argentina or any other country on the face of the earth. That is my position. I have no apologies to make; I have no qualifications to make in reference to the views that I hold on the great question of protection to American industries and American labor as heretofore advocated by the Republican Party.

Mr. President, I had not thought of saying a single word to-day. When the tariff question comes up for debate, as I presume it will later on, I may engage in the discussion, and I am willing to stay here with the Senator from Mississippi, for he is a most genial companion, and we all love him, notwithstanding he is somewhat severe in his criticisms at times, as I think he was to-day in his observations concerning a remark that I made, in which I, perhaps, inadvertently used language that did not convey the meaning I intended—I am willing to stay with him here this summer and next winter and the next summer if need be.

Mr. WARREN. And so will we all.

Mr. GALLINGER. And so will we all, to fight out this question that divides the two great political parties of this country. If the people of this country have ordained that we shall sacrifice the agricultural interests of our people in a so-called reciprocity agreement with Canada; if the people of this country have ordained that the woolen manufacturing industry and the raising of sheep in this country shall be sacrificed, I am willing to take my share in the controversy, and to go down to defeat if a majority of the Senate should so vote. I will wait after that has occurred for what I believe will be a vindication of the position that I hold, and I will not find fault with any Senator or with any man in the United States who holds an opposite opinion to mine, because I think he has an equal right with me to hold firmly to the views he holds and to the conclusions which he has reached.

Now, Mr. President, I think that is all I care to say to-day. This discussion, perhaps, will be valuable, but for myself I would much prefer that this bill should take its usual course; that it should go to the Committee on Finance without instructions, and that we should continue the consideration of the bill which my friend from Mississippi is so anxious to have voted on, and which I have had no disposition whatever to delay. I am against the reciprocity agreement, but I believe it ought to be acted on by the Senate.

Mr. REED. Mr. President, I only want to take enough time to bring the discussion, which has been most interesting, back to the question that is at issue.

The Senator from Oklahoma [Mr. GORE] has moved that this bill be referred to the Committee on Finance with instructions to report it back on the 10th day of July. Objection is made to that motion by the chairman of that committee in the polite, courteous, and senatorial phrase that the proposition is idiotic and demagogic.

It has been developed in this debate that this same committee, not composed of exactly the same members when the Payne-Aldrich bill was referred to it, excluded the Democrats from the hearings. I presume that exclusion was done in the interest

of senatorial courtesy, but I pause long enough to make the remark that if it be true that a majority of the Finance Committee can exclude the minority of the Finance Committee from the hearings, gentlemen who indulge in those practices ought not to think it a serious reflection if a majority of the Senate venture to direct them as to the day they should report back to this body.

Moreover, it has been developed that these hearings were not only had in the absence of the Democratic members, but that certain gentlemen were admitted in secret, the press being excluded, and I say that if our Finance Committee proposes to adopt any such method we had better not refer this bill to that committee at all, and we had better keep the public business in a public hall where the people can know what is going on.

I should like to have a list, I should like to see the list published, of those secret hearings that they did not dare hold in the broad, open day, for I say that no man and no committee dealing with public business ever went behind locked doors to hear any evidence for a good purpose.

Mr. President, what is this proposition as it stands before us? The chairman of the committee has intimated, if I understand him correctly, that the Democratic members might again be excluded from that committee when the hearings or when the deliberations take place. I deny with all the emphasis of which I am capable, regardless of any precedent that may have been set either by the House or the Senate, that it is proper for a portion of a committee to meet for the purpose of determining the action of the committee.

The reason we have a committee is that we may have the consensus of opinion of the entire committee, and we have called here for the proposed action of the committee, and the nearest we have as an answer as to when that committee will report is the suggestion that the Tariff Board will not report until next December.

Now, if it be true that the committee proposes to follow its former precedent and the majority members of that committee are to consider and formulate a report, then we have a situation that was well described by the great Senator who sits on my right, the Senator from Wisconsin [Mr. LA FOLLETTE], when he pictured to the Senate the fact that 9 or 10 men could hold up the business of the Senate, that a small minority could hold up the business of the Senate by holding secret caucuses; and we not only have the secret caucus, but it is proposed or at least it has been introduced into the committee.

Here is a matter that concerns 90,000,000 people, and you propose that this body, representing all of the people, can not say to the nine Republican members of that committee—I apologize to the Senator for counting him almost as one of them in this illustration—that they can not tie it up indefinitely. I say, if there is any danger of this kind, this body ought to instruct the Finance Committee every time it commits anything to it.

You talk to me about senatorial courtesy. You say it is a reflection on the committee for the Senate to instruct it to report back at a certain time, and then the committee says that they will not—the majority—that they have the right to exclude the minority. Then they not only have the right to exclude the minority from a chance to participate in the deliberations, but they have the chance and the opportunity to exclude the Senate from the consideration of that proposition and to throttle a measure that affects the welfare of the American Republic.

Mr. PENROSE. Mr. President—

Mr. REED. Mr. President, I say that that kind of senatorial courtesy is dead and buried in the Senate. It will be discovered that there are men on this floor who may be young and inexperienced, but who have had sufficient experience to understand what that kind of method leads to in the country.

Mr. PENROSE. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. PENROSE. Will the Senator from Missouri yield?

Mr. REED. Certainly.

Mr. PENROSE. Will the Senator yield, that I may make plain the position, as I understand it, of the Finance Committee?

Of course, the hearings would be attended not only by the full committee, but would be open to reporters and to the public. It was only in the framing of the bill two years ago that the Republican members met apart from the minority members, and the hearings held by the Finance Committee two years ago were informal hearings, and, as I recollect, in no case was even a stenographer present to take down the testimony. It was merely the testimony, advice, and information of persons familiar with the various schedules who were sent for by the committee, the House Committee on Ways and Means having early in the winter, before the organization of Congress, con-

ducted over a period of several months exhaustive hearings on the bill which was to be introduced in the approaching Congress. There was no mystery about the proceedings, and no secrecy. The hearings on the reciprocity bill were attended by the full committee.

Mr. GALLINGER. And the press.

Mr. PENROSE. And the reporters of the newspapers were present, as were stenographers, and the hearings are published and before every Senator.

I ought to say, if the Senator will permit me for one moment, that two years ago, immediately upon the call of the extra session, the then chairman of the Finance Committee gathered together the members of the committee, although the committee was not then complete, as the Senate had not organized its committees, and prior to the 4th of March the Finance Committee of the Senate began its sittings and continued its sittings daily for several months, during which the bill was pending in the House of Representatives, anticipating the measure coming to the Senate and with the desire to expedite the work, to pass the bill, and quiet the business disturbances caused by the prolonged discussion.

Mr. REED. That is the trouble with the whole matter. The hearings were quite too informal and quite too secret.

Now, I do not understand the position of my friends on the other side. A moment ago, when it was being urged that we needed a long time to take evidence and to consider this bill, we were told that the committee in considering the Payne-Aldrich bill had sat for a long time and had had hearings, and that was used as a justification for the quick passage of that bill. But now we are told by the Senator they were informal hearings; that only experts of some kind came before that committee; that evidence was not taken. So that either one or the other of these positions must be true, either the Payne-Aldrich bill was passed without any real hearing, without any real evidence, without giving the public a chance to be heard, and therefore it might well be used as a precedent here for a short hearing, or else they did have hearings; and if they did have hearings, then they were secret hearings from which the press was excluded, and from which the Senate was excluded, and the benefit of which neither the minority of the committee nor the Senate ever received.

Mr. PENROSE. I would like to call the attention of the Senator from Missouri, in all fairness and all seriousness, to the radical difference between the situation at this Congress and two years ago. Two years ago the House of Representatives held prolonged and exhaustive hearings, and it would have been unwarranted delay and unnecessary labor for the Senate committee to have indulged in a repetition of those hearings from the same persons who appeared before the House committee; but in this Congress, as far as the record shows, no opportunity has been given to be heard to the hundreds and thousands of persons asking for hearings, and the situation is reversed. It would seem as if it was almost the duty of this great deliberative body to give an opportunity to be heard in view of the fact that no hearings, apparently, were granted by the House.

Mr. REED. The hearings that were had before the House that went exhaustively into every one of these questions are as available now as they were when the committee reported back the Payne-Aldrich bill after two days consideration.

Mr. PENROSE. The proposition is different.

Mr. REED. And every fundamental fact that was brought out with relation to production and consumption and the cost of production is as true to-day as it was then, with the slight fluctuations in the market; and in 20 days' time any committee that means business, that wants to report this bill back, can gather every fact of that kind that it desires to gather, and they can not only get the evidence, but they can get more evidence than will ever be read by this body, and if they proceed as that committee has proceeded on the subject of reciprocity, and at the end of the time the majority of the committee are unable to lay before this body its views or its suggestions, I want to know what benefit we will get from its prolonged consideration of this subject.

Mr. WORKS. Mr. President—

Mr. REED. One moment. The truth is, and every Senator here must recognize it, that there is an indisposition to report back to the Senate the bill known as farmers' free-list bill, and the Senate ought to make sure before it sends anything to that committee that they will report it back. I say again, and then I will yield to the Senator from California, that I have nothing but profound contempt for that kind of senatorial courtesy which would prevent the Senate from saying when its committee shall report back, when that committee has in the past, and it does not yet disclaim its purpose for the future, excluded a portion of its own members from the deliberation of public matters that were consigned to its keeping.

Mr. WORKS. I should like to ask the Senator from Missouri if he believes that the motion of the Senator from Oklahoma was made in good faith to hasten action upon this bill?

Mr. REED. I so believe.

Mr. WORKS. If so, I think some of us on this side of the Chamber are willing to vote for the motion upon that theory. But if the other side is going to take the great part of the time in speechmaking I am afraid we are going to change our minds, because it is devoted to a discussion of the tariff question generally and the conduct of the Finance Committee; and that has no bearing upon the question which is before the Senate. I am one of those who believe that the business of the Senate should be hastened, and I think this is a good time to commence.

Mr. REED. The Senator from California will hear me out in the statement that I have not been discussing the tariff. I have tried to discuss the necessity of the Senate keeping its hand upon its own business and of seeing that this matter is reported back.

I want to assure the Senator from California that this motion made by the Senator from Oklahoma was made in good faith in the hope to expedite this business and in the hope that the Senate might have before it these important measures at an early date.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SMOOT. I want to call the Senator's attention to the fact that the bill came from the House of Representatives to-day, and I doubt very much whether it is in the hands of the Finance Committee, and before it is received by the committee a motion is made that we are to make a report upon it on the 10th day of July.

Mr. REED. Certainly.

Mr. SMOOT. The Senator must know that the business of the Senate is always in its own hands.

The Senator made a statement that the committee had excluded certain Members from its hearings, and inferred as much as that it could exclude the whole Senate from the consideration of any question. The Senator must know that under the rules of the Senate the Senate can discharge a committee at any time when a majority of the Senate wishes it so. So there is no need of any haste here at all. If the committee does not report the bill in time, after a due length of time has been given to it, any Member of the Senate can move to discharge the committee from its further consideration, and if there is a majority of the Senate in the same frame of mind it can take the bill away from the committee and bring it on the floor of the Senate.

Mr. REED. I thank the Senator for suggesting to me that the Senate can discharge a committee. I have not been here very long, but I was quite aware of that fact.

Mr. SMOOT. Well, I—

Mr. REED. But if we were to undertake to do it we would again be confronted with the ghost of senatorial courtesy, and we would be told we were abusing the committee.

Now, I submit that outside of this body it is the universal and uniform custom, at least on occasions, to fix times for committees to report back. We are giving 20 days, and that is enough. That is all I want to say about the matter.

Mr. McCUMBER. Mr. President, all of the arguments upon the other side to-day have suggested and have been based upon the presumption that any evidence which will be produced by the committee will be of no value to the Senate, and I am in perfect accord with that suggestion. We have spent six weeks in taking testimony upon the reciprocity agreement. All of the evidence taken was practically on one side. All of the evidence was against the reciprocity agreement. There was a little talk in its favor, but there was no evidential fact before the committee which could be said in any way to favor the reciprocity agreement, and notwithstanding the volumes of testimony, notwithstanding their evidential value, we will not be able to change a single vote in the Senate of the United States.

If that is true upon the reciprocity agreement, I think I am justified in saying and in agreeing with the Senators on the other side that it will be equally true with reference to any testimony that may be secured by the Committee on Finance.

Mr. President, I have not talked with my associates upon that committee as to whether or not they wish to investigate the subjects any further. I am inclined myself to agree with the Senator from Missouri [Mr. REED] that the evidence which was taken two years ago is perhaps pretty good evidence to-day; that there has been very little change in conditions such as to make that evidence valueless; and if that evidence was suffi-

cient for us to base general tariff legislation upon, I am inclined to think that it is sufficient for us to-day.

Being a member of the Committee on Finance and not having discussed the question with my associates, I am hardly in a position to father a motion that the bill be printed and lie on the table for future action without reference to the committee. But if the argument of the Senators on the other side is correct, I am willing that any one of them should make that motion, and I am perfectly willing on my own part to relieve myself of the necessity of many long days of investigation of that subject. I would support a motion to print the bill and allow it to lie on the table without any reference whatever.

But I do think, Mr. President, that if we go into the subject, if we are compelled to investigate it anew, it is not proper to-day to fix the day on which we shall report it back, inasmuch as that request can be made at any time. The Senate Committee on Finance may show that it is not at all dilatory in its action, and I for one will not favor any dilatory tactics whatever. I am willing to get through with this evidence as soon as possible. It seems to me that then we should wait until we find what the committee is going to do. If the committee goes at this matter in too leisurely a style and shows a disinclination to hurry it, then I think it would be time enough for the Senate to call it to account and ask it to report the bill back at a time fixed.

But if Senators on the other side wish to have this matter before the Senate to-day without any further investigation, I am with them and will vote with them upon a motion of that kind. On the other hand, I can not support this motion that will to-day fix a time, if we are going to investigate it at all.

Mr. SUTHERLAND. Mr. President, I am quite willing to vote upon this question now. The Senate has been in session something over six hours, and there does not seem to be any indication that this debate is to end in any reasonable time. I ask the Senator from Oklahoma whether he is not willing that we should now take an adjournment?

Mr. CULBERSON. We are unable to hear the request of the Senator from Utah.

Mr. SUTHERLAND. Inasmuch as the indications are that this debate is to continue for some time, and nothing is to be gained by remaining in session any longer, I suggested to the Senator from Oklahoma that we might take an adjournment.

Mr. SHIVELY. It will not take any longer to take a vote on the motion to refer with instructions than on a motion to adjourn.

Mr. SUTHERLAND. If we could take the vote, that is quite true; but there is no indication that we will be able to do it.

Mr. GORE. I think we had better proceed now, if possible, to vote. I will not be willing now to have it go over.

Mr. GALLINGER (at 6 o'clock and 5 minutes p. m.). Mr. President, if it is determined by a majority of the Senate that this discussion shall proceed, I will have no objection; but the only way to determine that is upon a vote, and I move that the Senate do now adjourn.

Mr. MARTIN of Virginia. I ask for the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present, I should vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. In his absence, I withhold my vote.

Mr. JOHNSTON of Alabama (when the name of Mr. CLARKE of Arkansas was called). The senior Senator from Arkansas [Mr. CLARKE] is paired with the Senator from Wisconsin [Mr. STEPHENSON]. The Senator from Alabama [Mr. BANKHEAD] is paired with the Senator from Connecticut [Mr. BRANDEGEE].

Mr. DILLINGHAM (when his name was called). Observing my general pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired with the Senator from Arkansas [Mr. DAVIS] and will withhold my vote. If I were privileged to vote, I would vote "yea."

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. PERCY]. As he is absent, I will withhold my vote.

Mr. REED (when his name was called). I am paired with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Tennessee [Mr. LEA], and vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The Senator from Michigan [Mr. SMITH] was un-

expectedly called out of town night before last on an important matter. He has not yet returned.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Maine [Mr. JOHNSON] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. In his absence, I withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. I transfer that pair to the senior Senator from Oklahoma [Mr. OWEN] and vote. I vote "nay."

The roll call was concluded.

Mr. CLARK of Wyoming. I will transfer my pair with the Senator from Missouri [Mr. STONE] to the Senator from Nevada [Mr. NIXON] and vote. I vote "yea."

Mr. BRADLEY. I have a general pair with the senior Senator from Tennessee [Mr. TAYLOR]. As he is not present, I withhold my vote.

Mr. GALLINGER. I have been requested to announce that the Senator from Connecticut [Mr. McLEAN] is paired with the Senator from Montana [Mr. MYERS].

Mr. CURTIS. I have been requested to announce the pair of the Senator from Colorado [Mr. GUGGENHEIM] with the senior Senator from Kentucky [Mr. PAYNTER].

Mr. BAILEY. I wish to announce the pair of the Senator from Kentucky [Mr. PAYNTER], which the Senator from Kansas has just stated.

Mr. MYERS (after having voted in the negative). I have a general pair on political matters with the Senator from Connecticut [Mr. McLEAN]. I understood from other Senators that a motion to adjourn is not considered a political matter. On the next vote to be called, the vote on the motion of the Senator from Oklahoma, I intend to vote, if I vote at all, "nay," because I think the Senator from Connecticut will vote the same way, and my pair would not hold. Therefore I considered my vote on the matter of adjournment immaterial. However, as my vote is in a measure challenged, I will withdraw my vote on the motion to adjourn, and not vote.

Mr. BACON. I have a general pair with the senior Senator from Maine [Mr. FRYE]. I transfer that pair to my colleague [Mr. TERRELL], and I will vote. I vote "nay."

The result was announced—yeas 21, nays 35, as follows:

YEAS—21.

Bourne	Dixon	Lodge	Townsend
Burnham	du Pont	Lorimer	Warren
Burton	Gamble	Penrose	Wetmore
Clark, Wyo.	Heyburn	Perkins	
Cullom	Jones	Root	
Curtis	Lippitt	Smoot	

NAYS—35.

Bacon	Fletcher	Martin, Va.	Simmons
Bailey	Foster	Martine, N. J.	Smith, Md.
Bristow	Gore	Nelson	Smith, S. C.
Brown	Gronna	O'Gorman	Swanson
Bryan	Hitchcock	Overman	Thornton
Clapp	Johnston, Ala.	Polndexter	Watson
Crawford	Kenyon	Pomerene	Williams
Culberson	Kern	Reed	Works
Cummins	La Follette	Shively	

NOT VOTING—35.

Bankhead	Davis	Myers	Richardson
Borah	Dillingham	Newlands	Smith, Mich.
Bradley	Frye	Nixon	Stephenson
Brandegee	Gallinger	Oliver	Stone
Briggs	Guggenheim	Owen	Sutherland
Chamberlain	Johnson, Me.	Page	Taylor
Chilton	Lea	Paynter	Terrell
Clarke, Ark.	McCumber	Percy	Tillman
Crane	McLean	Rayner	

So the Senate refused to adjourn.

Mr. HEYBURN. Mr. President, there is not only the question of the immediate disposition of this bill involved but there is involved a principle that it seems to me should appeal to Senators. Only two years ago the people of the United States through their Congress enacted a law covering this schedule. It was after the people had been heard fully. It was after the people had had an opportunity of being heard before both Houses of Congress. The people, responding to the opportunity given them to present themselves and the facts upon which they based their conclusions, appeared before Congress and were heard at great length. As a consequence of that hearing Congress in its wisdom enacted the present law. It has only just gone into effect.

Now, it is proposed within a few months to disregard the wishes of the people who were heard before the committee, and to repeal the legislation of Congress that was enacted in response to the demand of those who appeared. That is the question presented by this bill.

The measure comes to us in the ordinary course of legislation from the House. It receives three days' consideration in the committee of that body. It was introduced on the 2d of June, reported on the 6th, and one of the intervening days was a Sunday. We have no suggestion that the people whose interests are involved in this legislation have changed their mind or that any new condition of facts than those upon which the last Congress acted have arisen. Presumably the facts are the same, and it naturally follows that the wisdom of the legislation rests upon those facts.

We are asked to change our conclusion of the last Congress without any additional facts upon which to base that change. Under the ordinary procedure of the Senate an opportunity to present the new facts upon which to urge new conclusions would be afforded before the Senate's Committee on Finance, having charge of this measure. It is obvious that this opportunity should be afforded the people. It does not seem to me to be fair that the verdict of the last Congress should be set aside without some reasons being given for such action. It is true that in the period suggested of 20 days some facts might be ascertained. It is equally true that because of the size of this country geographically those facts could not reach the committee during that time except to a very limited extent. It is equally true that the people whose interests will be affected by this proposed legislation are entitled to be heard. It is a braggart legislation that is forced through under such circumstances by those who are continually fretting the air with their assertions of devotion to the will of the people. They clamor for the echo of the voice of the people—that is, they do in public—and when the responsible hour comes to test their sincerity, they deny the public the opportunity to be heard.

Mr. President, I was not willing, and I am not now willing, that this matter should be disposed of without making a record that the people can read, whether they hear it or not. This is a proposed repudiation of the express judgment of the last Congress, which terminated only on the 4th of March last. We are asked to assume that it is true that the people between the 4th of March of this year and this day have changed their minds and that the facts and conditions which were the basis of existing legislation have also changed. It is sought to deny us the opportunity of ascertaining whether or not this is true. I think it will hardly commend itself to the people of the country that Congress is willing to act in an irresponsible way by asserting in one hour that the judgment of a Congress that was the result of months of consideration is no longer to be commended or sustained.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	La Follette	Root
Bailey	Dillingham	Lippitt	Shively
Bourne	Dixon	Lodge	Simmons
Bradley	du Pont	Lorimer	Smith, Md.
Bristow	Fletcher	McCumber	Smith, S. C.
Brown	Foster	Martin, Va.	Smoot
Bryan	Gallinger	Martine, N. J.	Sutherland
Burnham	Gamble	Myers	Swanson
Chamberlain	Gore	Nelson	Thornton
Clapp	Gronna	O'Gorman	Watson
Clark, Wyo.	Heyburn	Overman	Wetmore
Crane	Hitchcock	Penrose	Williams
Crawford	Johnston, Ala.	Perkins	Works
Culberson	Jones	Polndexter	
Cullom	Kenyon	Pomerene	
Cummins	Kern	Reed	

Mr. MARTIN of Virginia. I desire to announce that the junior Senator from Tennessee [Mr. LEA] is unavoidably detained from the Chamber by his own illness and by illness in his family.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum of the Senate is present. The Senator from Idaho.

Mr. HEYBURN. Mr. President, I have no greater interest in this matter than another Senator, and it is not my intention to undertake to prolong the consideration of this question until to-morrow's session. I am sincere in my belief that the people to be affected by this legislation should have an opportunity of being heard in one body or the other. Had hearings been held where the bill was introduced, then we might have availed ourselves of the facts, which must be stupendous in themselves to justify the repeal of legislation which has been in effect only a year.

Some great revolution must have occurred in the industrial world to make it wise or necessary to change a law enacted less than two years ago, and, as a member of the Committee on Finance, I want to know what it is. I want to know what new conditions have arisen that demand even the consideration of the revision or repeal of that law, so recently enacted. I, for

one, want to hear some testimony or statement from some responsible source as to why that law should be repealed or modified; I want to hear some facts upon which to challenge the wisdom of the Sixty-first Congress, and I want them to be heard in the usual manner in which such things are brought before the Senate.

The Committee on Finance is empowered, under the standing rules that govern this body, to inquire into the necessity and wisdom of certain legislation proposed to be enacted. Some Member arises in his place and asks that that committee shall be limited and directed and controlled before the bill is read in this House, before the measure is even before the Senate, so that Members may know what is proposed in the way of legislation, and before it is referred to the committee at all. It can not be that it is with the suggested alternative that, unless this committee will abrogate its office or promise itself not to perform its duty, the measure will not be referred to it at all.

There is no Member of the Senate and no member of that committee who could form any intelligent and honest judgment as to the length of time necessary to develop before that committee such facts as would justify it or justify the Senate in reversing the action of the Sixty-first Congress. It is sensational in the highest degree to propose that a standing committee of this body shall perform its duty at the dictation of anyone, when that duty must represent the conscience of the committee.

We have no cloture rule in the Senate, yet you propose to establish one for the committee before a single circumstance has developed that would indicate the necessity for so doing. What is it that prompts Senators to anticipate failure in the performance of duty by a committee of this body? It is difficult to choose words within parliamentary rules to describe it. It is not senatorial; it is not parliamentary; it is not fair merely because a Senator is in favor of a measure to trample down every rule of propriety in order to rush it through, regardless of what is fair.

If it were possible to break down this great Government of ours, I can think of no procedure more apt to bring it about. What confidence will the people have in legislation if it shall be based upon a refusal to listen to the voice of the people when they are entitled to be heard? They have recently spoken through their Representatives in Congress upon this question. Congress has recorded the will of the people in the legislation that was enacted. Talk about sensational proceedings, this motion is as sensational as you might expect to hear in a socialistic convention. It is not befitting the dignity, it is not befitting the conservatism that should mark the proceedings of the Senate of the United States. Its purpose is to ride over the established order of procedure in this body, to disregard it. It is the kind of sentiment that should have no place in the Senate.

We have not undertaken to attack any other committee of this body in this way. If a committee shows a disinclination to perform its duty, then bring it before the Senate, because the committee is comprised of Senators equal in every respect with those who are not on the committee. To do this on party lines is less creditable. I am speaking in the aggregate now. It is not a creditable performance that either party in the Senate shall undertake to say to a standing committee, "You shall not exercise a conscientious judgment in this matter; you will jump to the snap of the whip, and you will come in with your report when we tell you to, and you will report as we tell you to." That will be the next thing. Some Senator may rise in his seat and offer a resolution that the committee be authorized and instructed to report favorably or unfavorably on a measure before it. One might be done with as much propriety as the other.

Mr. JONES. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes; I yield.

Mr. JONES. I think we ought to have a quorum present.

Several SENATORS. Oh, no.

Mr. HEYBURN. I have nothing to do with it.

The PRESIDING OFFICER. The Senator from Washington raises the question of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Bryan	Culberson	Fletcher
Bailey	Burnham	Cullom	Foster
Bourne	Chamberlain	Cummins	Gallinger
Bradley	Clapp	Dillingham	Gamble
Bristow	Clark, Wyo.	Dixon	Gore
Brown	Crane	du Pont	Gronna

Heyburn
Hitchcock
Johnston, Ala.
Jones
Kenyon
Kern
La Follette
Lippitt

Lodge
Lorimer
McCumber
Martin, Va.
Martine, N. J.
Myers
Nelson
O'Gorman

Overman
Penrose
Perkins
Pomerene
Shively
Simmons
Smith, Md.
Smith, S. C.

Smoot
Sutherland
Swanson
Warren
Watson
Wetmore
Williams

Mr. DILLINGHAM. My colleague [Mr. PAGE] was obliged to leave the Chamber on account of indisposition.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum of the Senate is present. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, it is not my intention to prolong this debate. There should be no occasion to speak at all. The country is under the impression that it has a Republican Senate. The people are entitled to believe that the Senate of the United States is Republican by majority. So that this question having been made a party question by the other side, should safely go to a vote with the assurance that the Republican Party would prevail. The vote that is cast on this question of protection or the manner of legislating upon this question of protection will show the people of the country whether or not the Senate is Republican. Unless the vote is against this motion, the people may have been mistaken.

Republicans vote together on tariff questions. When it is a question of the consideration of tariff questions, while they differ in regard to details in the making up of tariff measures, when the question is, Shall the tariff be considered from the Republican standpoint? Republicans vote for it, Democrats vote against it; and I shall watch the result of this vote with interest—and the country will—to see whether or not the Republican Party has a majority in the Senate.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. Does the Senator mean that he will watch the vote on the so-called Canadian tariff bill for that purpose?

Mr. HEYBURN. I mean exactly what I said. I will watch the vote on this question, which is whether or not this tariff measure shall be considered along Republican lines or along Democratic lines. That is the vote I will watch. And if the Senator means to anticipate the vote on the Canadian tariff bill, I will say to him that he will not have the opportunity of seeing me walk out of the Republican Party at this or any other time.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. CLAPP. The bill comes from a President elected as a Republican; it passed the House against a majority of the Republican vote of that House; and I should like to know the Senator's analysis of its Republicanism.

Mr. HEYBURN. The bill came from a Democratic House, and I want to know whether or not a Democratic Senate is going to determine its destiny.

Mr. CLAPP. Mr. President—

Mr. HEYBURN. There will be no majority of Republicans in favor of this Democratic measure. I can assure the Senator of that fact.

Mr. CLAPP. And I can assure the Senator that that bill can never pass the Senate without Republican votes.

Mr. HEYBURN. Well, there are a good many measures—

Mr. CLAPP. Yes.

Mr. HEYBURN. That have passed the Senate which should not, that passed it with the aid of Republican votes.

Mr. CLAPP. Never as vicious a one as this, however.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma.

Mr. LA FOLLETTE. Mr. President, speaking for myself, I am prepared to vote at this time on the tariff bill revising the duties on wools and woolens, which passed the House of Representatives on yesterday and was received by the Senate to-day. I believe that every Senator is ready to record his vote upon this bill. The Congress that framed the Payne-Aldrich law took the testimony of some 250 witnesses on wool and woolens as affected by Schedule K of the tariff law, and printed the evidence in a volume of nearly 800 pages. That testimony is accessible to every Senator. We need waste no further time with hearings. The country wants legislation on this subject. It has had enough of hearings. It wants action. If the Committee on Finance were to examine witnesses for months and print volumes of testimony it would not change the opinion of a member of the Finance Committee or a Senator upon this floor.

It has been asserted in the course of the debate upon this resolution that the vote will determine whether there is a

Republican majority in the Senate. I do not permit any Senator to question my Republicanism because I do not happen to agree with that Senator upon some phase of the tariff question. I defined my views regarding Schedule K two years ago when the tariff bill was pending before this body. At that time I analyzed that schedule, presented a series of amendments to revise it upon a basis which I believed to be, and, I think, demonstrated to be, strictly in accord with the Republican platform of 1908. There are no changed conditions, Mr. President, which would lead me to a different conclusion upon that schedule. Every Senator here knows full well that nothing has transpired which would lead any Senator to a change of attitude regarding the tariff on wool and woolsens within the last two years.

The fact that I do not agree with some Republican Members of the Senate who are opposed to any changes in the duties in Schedule K warrants no challenge of my good faith in any respect, and I resent it here and now. No Senator here has the right or power to determine my political status or my political standing.

I regret the course, in one respect, which this discussion has taken this afternoon. It is becoming quite the fashion recently, first upon the Democratic and then upon the Republican side of the Senate, to arraign and assail the progressive Republicans. I do not believe it serves any good purpose to indulge in that sort of political practice upon either side of this Chamber. There are a few Members of this body who are progressive Republicans. They have certain convictions, and they will support and defend their convictions regardless of the taunts and innuendoes and baitings from either side of this Chamber. They will stand, I will say to the Senator from Mississippi, on the tariff question, now and hereafter, just where they stood when the Payne-Aldrich bill was before the Senate, and they do not need to be catechised by anybody. They have never swerved one hair's breadth, Mr. President, from the course which they have marked out for themselves, nor will they.

Now, then, it was suggested by the Senator from Mississippi [Mr. WILLIAMS] that he would not stand for any amendment of the President's reciprocity pact as formulated in the pending bill, because he had taken some pains—I do not undertake to quote exactly his language—to ascertain that if it were amended it could not become a law. I took that to mean, and I can not interpret it in any other way, that he has been informed by the Executive that if the so-called reciprocity bill is amended it will be vetoed.

Mr. SMOOT, Mr. CLAPP, and others. Ask him.

Mr. LA FOLLETTE. No. If he desires to make plainer what he said, he will do so without my catechising him. I want to suggest to him that some Senators here have learned from experience when other measures were pending that such Executive suggestions do not materialize when the test comes.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. Certainly.

Mr. SMOOT. The only reason I suggested it was because the inference I got from the remarks of the Senator from Mississippi was that the House would not accept the bill if there was a change in it. I may be wrong. That is the reason why I suggested to the Senator from Wisconsin that he ask the Senator from Mississippi.

Mr. WILLIAMS. I will say that all gentlemen are at liberty to speculate.

Mr. BAILEY. Will the Senator from Wisconsin permit me?

Mr. LA FOLLETTE. With pleasure.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. LA FOLLETTE. I do.

Mr. BAILEY. If it is true that to amend the reciprocity bill with the free-list bill would defeat them both, then it absolutely means that the free-list bill has no chance whatever to become a law unless we do attach it to that bill.

Mr. LA FOLLETTE. Mr. President—

Mr. WILLIAMS. One word.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. In just a moment.

Mr. President, I concur in the view expressed by the Senator from Texas, and, sir, it is equally true then, without doubt, that an independent reduction of the duties in Schedule K would have no chance to become a law. If we honestly desire to relieve the people of some of the excessive burdens of taxation by reducing tariff duties, the amendment of this Canadian tariff bill offers us the opportunity, and the only opportunity which may come to us during the life of the present administration.

The friends of this Canadian bill aver that they have the votes to pass it. I believe their confidence is well grounded. It will go to a President who will sign it. He might veto an independent tariff bill, making wholesome reductions in the duties on woolsens and cottons and adding to the free list articles which will substantially benefit the farmers, who, by the terms of the so-called reciprocity bill, are to surrender their market to Canada. But if we add these just and righteous reductions to the Canadian tariff bill the entire measure will receive Executive approval. Thus the agricultural interests will be in some measure compensated for the loss of their markets and the consumers throughout the entire country secure a measure of the downward revision of tariff duties which they were promised in 1908.

If we will make reductions in the woolen and cotton schedules which we can safely make—reductions which will wrong no manufacturing interest, reductions which will leave a margin of safety above the line of difference in production cost between this and the competing countries—with the loss of only a modest revenue, we shall save to the purchasers the better part of \$200,000 annually. Sir, this would be a great service to the people of this country everywhere. This Canadian tariff bill, passed just as the President desired it, will benefit nobody but Canada, the railroads, a few trusts, and the newspapers.

Mr. President, shall we incur the risk of letting this chance of at least a partial tariff revision go by? How shall we answer to the public if we then fail of tariff reduction altogether?

Sir, the President has declared Schedule K an "indefensible outrage." Further, he made a campaign and was elected upon a declaration that the revision of the tariff should be downward and not upward. I believe he will think it unwise to withhold approval of a bill that enacts into law his particular measure—this Canadian pact, which is not reciprocity in any sense—because we have amended it, even though not to his liking. This will be especially true when our amendments actually reduce taxation upon the people of this country by revising downward that same Schedule K and some others nearly, if not quite, so intolerable.

In advocating reductions I am unwilling, with my view of tariff revision, to go further than the present information will justify.

Mr. President, what I shall offer to the Senate as an amendment to the Canadian administration bill, as a revision of Schedule K and of the cotton schedule, will be shown to be easily and safely within the line of the difference in production cost. It will be offered with the expectation that when the Tariff Board shall have completed its expert work upon any one of these schedules that schedule can be taken up by Congress for thorough and scientific revision. I have no doubt that when that work shall have been done it will be found that upon the difference in the cost of production between this and the competing countries we can cut far below the duties which I shall propose in the amendments I offer.

Mr. President, just one word further with reference to the suggestion I made that there was an Executive threat here that this bill would be vetoed if it were in any way amended.

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. Certainly.

Mr. WILLIAMS. In reference to what I said a moment ago, that there may be no misunderstanding I wish to say that there has been no communication with the President of the United States to me to that effect, or anything similar to it, if the Senator from Wisconsin really meant that. I thought he was joking.

Mr. LA FOLLETTE. Does the Senator mean an official or a personal communication?

Mr. WILLIAMS. Any sort involving any expression of what the President would do in regard to any veto upon any subject.

Mr. LA FOLLETTE. I am very glad to hear the Senator from Mississippi make that statement. I was not quite able to interpret just what the Senator meant by the statement that he had taken pains to ascertain whether it would not become a law later.

Mr. WILLIAMS. If the Senator from Wisconsin will permit me one further interruption, I will state what I meant by that.

Mr. LA FOLLETTE. I shall be glad to hear it.

Mr. WILLIAMS. I said there was a twofold danger; that the first and greatest danger was that after the amendment had been tacked upon the Canadian reciprocity bill enough Republican Senators now supporting Canadian reciprocity would desert the combination of the two to defeat both. But it is a mere speculation upon the part of the Senator from Wisconsin, and upon my part, as to what the President of the United States will do with a free-list bill or with the woolen schedule. I

agree with him that the President of the United States would probably sign a properly reconstructed woolen schedule, but it is a mere speculation as to both.

Now, the Senator from Wisconsin can afford to involve in that speculation the Canadian reciprocity bill because he is not in favor of it, so that if the President did veto the two both would be dead, and he would not care so much. But I can not afford to involve in the speculation as to the free-list bill, for example, a speculation as to Canadian reciprocity. That is another risk.

The greatest risk is right on the floor of the Senate. Republicans here who are supporting the administration and voting for Canadian reciprocity would probably vote against that, but others would tack it on. Those who want to defeat Canadian reciprocity, of course, would join hands with the Senator from Wisconsin, who would be willing, in good faith, to vote for the measure as amended.

They would join hands with him until they had amended it and then they would join hands with those who had left the bill to defeat the measure as amended, and enough Republicans who are supporting Canadian reciprocity now would leave the two measures tacked one to the other to defeat the combined measure. That is what I meant. I have taken some trouble to try to satisfy myself whether or not that would be the result, and whether I arrived at an accurate conclusion or not, I arrived at a conclusion satisfactory to myself that it would be the result.

Mr. LA FOLLETTE. Mr. President, I have no means of knowing how thoroughly the Senator from Mississippi made his investigation or how accurate his conclusion. In this matter I can speak only for myself. If the administration bill can be so amended as to compensate the farmers for the loss of their markets by reducing tariff duties, and hence reducing excessive prices for commodities and supplies which they and all the people must buy from our protected manufacturers, trusts, and combinations, then, sir, I would vote for the bill so amended.

Mr. President, if the Democrats on this floor will stand for amending the reciprocity bill by reducing these duties, which can not be justified, on woolen goods, making a saving of \$100,000,000 to the people who must buy clothing; by reducing the duties on cotton goods, making a saving of fifty or more millions annually to the people who must buy cotton clothing; and by further reducing duties upon certain items in other schedules, I have no doubt—

Mr. OVERMAN. And increasing the free list.

Mr. LA FOLLETTE. And by reasonably increasing the free list I have no doubt we will be able to send to the President a reciprocity bill amended by tariff provisions that, on the whole, will be beneficial to the entire country. I believe the agricultural interests of this country will take the reductions that will come to them from the reciprocity pact if at the same time they can have just, reasonable, and proper offsets and compensation in reduction of the excessive duties on the things they have to buy.

Sooner or later, in the consideration of this Canadian pact, the Senate will come, Mr. President, to pass upon exactly that question, and it will not be necessary for any Senator upon the Democratic side or any Senator upon the Republican side to set the progressives in this body up as targets for their jibes and sneers. We will take care of our record, if you will take care of yours. Do not worry about that. We will perform our duty according to our lights, as you perform yours according to your lights.

I have had no authority conferred upon me to speak for the progressive Republicans in this matter; but, sir, basing my judgment upon the record which they have made upon tariff legislation, I believe I have fairly stated their position.

For my own part, upon this motion, Mr. President, believing that the Senate is in possession of all the facts necessary to act upon this bill and that the public interest will be subserved by its adoption, because it will bring to a speedy determination the questions that are pending before the Senate, I shall support it.

Mr. SIMMONS. I wish to ask the Senator one question before he takes his seat.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. SIMMONS. Do I understand the Senator to say that if a solid or something like a solid Democratic vote can be secured in favor of an amendment to the reciprocity treaty, embracing the several schedules to which he has referred, and including the putting of certain things upon the free list, enough votes can be secured from that side of the Chamber to amend the treaty in this respect, and then to pass the treaty, even if every Republican now supporting the treaty shall abandon it?

Mr. LA FOLLETTE. Mr. President, in my judgment, having in mind the public record of the progressive Republican Senators, I believe a reasonable tariff revision along the lines which I have suggested can be made a part of the President's bill, and that, when so amended, the bill will receive the same support upon its passage. I make this statement, not because I am commissioned by progressive Republican Senators to announce their votes upon this bill (and I certainly do not assume to deliver any votes upon any proposition), but I know something of the views and the records of progressive Republicans and of their controlling purpose to serve the public interest, and I state what I believe the results will fully confirm.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield further to the Senator from North Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. SIMMONS. The question I wish to have the Senator answer is, Whether if that proposition should receive something like a solid Democratic support, in the judgment of the Senator would it receive enough votes from the other side to pass it with the amendment?

Mr. LA FOLLETTE. In my judgment, if the Democrats, who have been criticizing the progressives and speculating as to whether they were merely talking for effect upon the tariff two years ago, will just make sure of the votes upon the Democratic side to amend the so-called reciprocity bill by reducing tariff duties along the lines which I have suggested, then, I repeat, in my judgment there will be enough progressive Republican votes not only to amend but to pass the bill through the Senate. That is precisely what I mean.

Mr. President, the course which I have marked out is the only way to insure at this session real tariff reductions which will be of any substantial benefit to the consumers of the country.

Mr. CUMMINS. Mr. President, ordinarily I would not support a motion of this character, because I believe that under the circumstances which usually surround this body a committee to which a bill is assigned should have an opportunity to consider it without an instruction of this sort. But we are not surrounded by ordinary circumstances. It is idle to disregard the atmosphere that fills this Chamber, and that has filled it from the beginning of the session until the present moment. The man who does not know in a general way what has been proposed with regard to the work of this session has closed his eyes and has deadened his ears to the most obvious facts all about us.

I am not imputing it to any especial source, but it is well known that it is proposed to pass the alleged reciprocity measure unamended and allow it to become a law. It is well known that the Finance Committee has not proposed and has not intended to report any other bill which looks to the revision of the law of 1909. I am not criticizing that committee, but their point of view is just as well understood as is the point of view of anyone who has expressed his opinion openly upon the floor of the Senate.

Mr. LODGE. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I do.

Mr. LODGE. As one member of the Finance Committee, I desire to say to the Senator there has never been any such understanding on the part of the Finance Committee within my knowledge, or of any kind. As one member, I expected those bills to be dealt with and reported at the earliest possible moment; I do not say how reported, but reported to the Senate at the earliest possible moment.

Mr. CUMMINS. It is immaterial how they are reported; but I have heard so often the suggestion that we must not enter upon the revision of any of the schedules of the tariff until we had the complete and final report of the Tariff Board, with respect to such schedules as may be attacked, that I can not but believe that I have correctly stated the intent. Mark you, I did not use the word "understanding." I do not suppose there has been any agreement among the members of the Finance Committee about it; but I do know, if I am permitted to believe what my eyes see and my ears hear, that it is not expected that we shall enter upon the revision or the consideration of any other schedules of the tariff save those which are involved in the alleged reciprocity measure.

Mr. McCUMBER. Will the Senator yield to me?

The PRESIDING OFFICER. Will the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. I will.

Mr. McCUMBER. I simply desire to say, as one member of the Committee on Finance, there has been no such intent, no such purpose, but I expected that we would report on

both of the important bills which passed the House and have them acted on during this session. If there is any understanding of any member of the Finance Committee to the contrary, it has been an understanding in his own mind, which he has not conveyed to the other members of that committee, so far as I know.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. PENROSE. I desire to state as a member of that committee, and as chairman, that it has always been my intention, and my publicly expressed intention, to call a meeting of the committee immediately on the receipt of this wool bill and proceed in good faith to the consideration of it. I have been in receipt of thousands of requests from people from the Atlantic to the Pacific Ocean and from the Canadian border to the Gulf of Mexico asking for hearings on the free-list bill and on the wool bill, and I have answered all their communications, and informed them that when the wool bill was received by the committee those bills would be taken up promptly, and that they would receive ample notice of the hearings.

As to the character of the report, of course, there was no assurance, but that the bills would be reported at some time or other certainly and proceeded with was distinctly understood among all the members of the committee. If it shall be the will of the Senate that these thousands of persons shall be denied the same rights which were patiently extended to the agricultural interests of the country on the reciprocity bill, it will not be the fault of the Finance Committee of the Senate.

Mr. CUMMINS. Mr. President, I do not doubt in the least degree the statements just made by the chairman of the Finance Committee, but I remember that a few days ago I read a report which seemed to come from the Finance Committee—I mean from the chairman of the Finance Committee—immediately after he had visited the Executive Mansion.

I read the report in one of the Washington newspapers—I do not know how accurate it may have been—the substance of which was that the distinguished Senator from Pennsylvania [Mr. PENROSE] had just been in consultation with the President; that he had reassured him respecting the early passage of the reciprocity bill without any amendment whatsoever, and had stated that it was his opinion that Congress would be able to reach an early adjournment, and I think the first part of July was mentioned as the probable date of the adjournment. I put that together with a great many other things. I do not want the members of the committee to think that I am criticizing them; they have a perfect right to conclude that there ought to be no general tariff revision at this session; they have a perfect right to assume that they ought to wait until they secure the evidence or the facts which may be at some time in the future reported to them by the Tariff Board.

I only say these things in order to show the Senate why I have believed that it was not the intent of the Finance Committee and not the intent of those who have been in supremacy in the Senate of the United States, to allow any changes in the tariff, save those that are proposed in the alleged reciprocity arrangement with Canada.

There is no man in the Senate or in the country who is more anxious than am I to establish freer commercial relations with our northern neighbor. There is no man who will go further than I will go in order to accomplish that most desirable result. I believe that Canada has given to us or proposes to give to us in the arrangement we now have before us substantially all that she can give; but I do not believe, if we want to do toward Canada a tardy justice and to do toward our own people an equally belated justice, that we have given to Canada all that she deserves or all that the welfare of our people demands.

My first insistence is that this arrangement shall be so modified as not to demand especially more of Canada, although Canada ought to change the arrangement in one or two respects, but to change it with regard to the concessions that we grant Canada, and when we admit from Canada her agricultural products free, that we shall at the same time admit all her manufactured products free, so that in so far as Canada is concerned, the farmers of the United States shall have as free a market in which to buy as it is proposed they shall have in which to sell.

But further than that, we all understand that, granting practical free trade to Canada—and I think it can be granted to Canada without any inconsistency with the Republican doctrine of protection, so far as many manufactured articles are concerned—we have not done enough. We have not yet given the

farmers or the persons who are particularly affected by the proposed arrangement with Canada that relief which justice to them demands. We have still to give them a freer market in which to buy, a market in which prices will not be enhanced by unjust and excessive duties. Therefore, it is not only our privilege, but it is our imperative duty, to enter upon a revision of such schedules of the tariff as particularly affect our relations with the remainder of the world, and reduce our duties to a point that will measure the difference in the cost of production here and abroad. So far as I am concerned—and I speak for no other man—my vote will not be cast for any adjournment of this session of Congress until, if the reciprocity treaty, so called, passes unamended, we have entered upon a revision of every schedule of our tariff which contains unjust and unfair duties.

I think for the reasons which have been given by the Senator from Wisconsin [Mr. LA FOLLETTE], and which I outlined at an earlier time this afternoon, we ought to attach such legislation to the measure which has been called reciprocity with Canada, and I shall use all the influence I have to so attach that legislation, because I believe that if it is not so connected it will not receive the approval necessary to put it into effect, and that for two years yet the people must bear the burdens which have been created—no, not created, but perpetuated—by the act of 1909.

It seems to me that the commonest patriotism on the part of those who want these burdens alleviated will require them to so vote that when the arrangement with Canada becomes effective at the same moment these heavy duties shall fall from shoulders ill able to bear them.

I want to be perfectly frank. I do not make any bargain with anybody with regard to my vote. I care vastly with respect to the manner in which my friends on the other side of the Chamber shall cast their votes; I am deeply concerned in the view which they shall take of this vital subject; but, so far as I am concerned, it makes no difference how they shall cast their votes. If we are not able to attach to the reciprocity measure these revisions of the schedules of the tariff which ought to be revised, I shall vote to pass them as separate and independent measures in the form in which I believe they ought to be passed, and that form will witness a very great reduction in duties. It might just as well be understood, I think, that we have entered upon a revision of the tariff from the beginning to the end, and I care not whether we conclude it in June, or July, or August, or September, or October, or November. In so far as I am concerned, that effort will be continued until we either reach the desired result or a majority of the Senate has declared that the result ought not to be attained.

I believe that the Committee on Finance does not need any hearings with regard to the wool tariff. I am not agreed with the bill passed by the House of Representatives; I do not think it proceeds upon the right principle. I believe in specific duties on wool and woolen cloth and fabrics and garments, instead of ad valorem duties; but I am in entire sympathy with the effort to take away from the manufacturer of woollens in this country a large part of the so-called compensatory duty which, on its very face, bears the evidence of its unrighteousness as well as of its unsoundness. I shall do what I can to secure such reductions in the schedule as I believe should take place in it; and, whatever may be the outcome of the struggle, we might just as well bring it upon the floor of the Senate with the information that we have and that is accessible to us on every hand, and dispose of it according to the views and opinions of a majority of the Members of this body.

I do not want to be discourteous to the Finance Committee, and especially to its chairman, and if he would indicate that the time suggested in the motion of the Senator from Oklahoma was five days too short or ten days too short, I would be disposed to yield to his views in that respect; but he has made no such suggestion and opposes, as I understand, the motion, because he believes the time ought not to be limited at all. In that respect I can not agree with him.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. PENROSE. On that point, Mr. President, it is not possible to gauge the length of the hearing. The committee patiently listened to over 100 persons for a period of nearly a month on the reciprocity bill; and the other measures open questions of far greater complication and extent.

All that I can assure the Senator is that the committee will do as it did in the case of the reciprocity measure—meet promptly at 10 o'clock in the morning, continue the hearings

without missing a day, and endeavor to comply with what is ordinarily accepted as the right of an American citizen to be granted a hearing by a committee of Congress. If, as the work progresses, it becomes evident to the Senate that the committee ought to be discharged, it is within the power of the Senate to discharge the committee; but it certainly is unprecedented to limit the time which the committee may have to consider a bill at the same time that the bill is referred, and it is certainly rank injustice to thousands of Democrats and Republicans scattered all over the country who have petitioned for a hearing.

Mr. CUMMINS. Whether it is unprecedented or not, Mr. President, I do not know; but if it is unprecedented, the justification for it lies in the fact that we are surrounded by unprecedented circumstances.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. SIMMONS. With the permission of the Senator from Iowa, I should like to ask the chairman of the Committee on Finance one question. The chairman of the committee has several times this afternoon given the Senate assurance that there would be hearings.

Mr. PENROSE. Right away.

Mr. SIMMONS. But the Senator has not given the Senate the assurance that after a reasonable time devoted to the hearings the committee will report the bill back to the Senate either favorably or unfavorably. Does the Senator give the Senate that assurance?

Mr. PENROSE. Mr. President, I have not consulted with the members of the committee. I assume that, when the hearings are closed, the committee will necessarily have to take some action on these measures. They will either have to report the bills favorably or unfavorably, or the committee will have to agree not to proceed further with the consideration of the measures until the fall. In that case it is within the power of the Senate to discharge the committee and acquire possession of the bills.

Mr. SIMMONS. It has been customary here, Mr. President, if the Senator will permit me, when the chairman of a great committee was interrogated as to his purpose to report a bill back to the Senate during the session of the Senate, to give a categorical answer; and I think the Senate is entitled to have the Senator from Pennsylvania, chairman of the Finance Committee, say absolutely and without qualification whether it is the purpose of the committee—I can not believe that the Senator is in doubt about the purpose of the committee—to report this bill back at this session.

Mr. PENROSE. Mr. President, I can—

Mr. SIMMONS. I will put it in another way; I will ask the Senator if it is not the purpose of the committee not to report the bill back?

Mr. PENROSE. The Senator desires an answer to his question?

Mr. SIMMONS. Yes.

Mr. PENROSE. The Senator from North Carolina is a member of the committee.

Mr. SIMMONS. But a minority member.

Mr. PENROSE. Mr. President, every member of that committee is in the minority. Of course when the hearings are closed and every person has had a fair and reasonable chance to explain his views on the pending measures, it will be in the power of any member of that committee to move that the bill be reported favorably, and that motion can be amended so that the question will be that it be reported unfavorably; and neither I nor any other member of the committee can prevent a vote upon that motion.

Mr. CUMMINS. Mr. President, with regard to that, it occurs to me that if this motion is adopted, and if, when the 10th of July shall come, a majority of the committee shall feel that it is necessary to have further time in which to take evidence, that request could well be laid before the Senate, and it would be judged according to the situation as it may then exist.

Mr. PENROSE. Mr. President, on that point I will say candidly that I would not feel justified or warranted in assuring the citizens of the United States who are interested in these controversies that they could have a hearing and at the same time not have any assurance that the committee will have full power to carry out its promise. Many of these gentlemen live at a distance from the Capital, so that they can not reach here under 5, 6, or 10 days. They must notify the other persons engaged in the industry in which they are concerned; they must have an opportunity to confer with each other, to select their speakers, to organize the committee which

shall come to Washington, to have a date fixed for the hearing, and how that can be done in any sort of good faith or fairness in the limited period suggested by this motion or in any period suggested to-day, I am at a loss to understand.

When the Senator from Texas, a member of this committee, had constituents from Texas in Washington and asked to have a hearing on the free-list bill, the committee cheerfully and willingly and promptly gave it to them, and they have assured other persons who made the request at that time that they would be given a hearing. But these people can not come here on a 24-hour telegraphic notice, and they can not be expected to, and I for one am not prepared to say to the Senate that I will advise these scores of persons anxious to have a hearing that they can have one when the limitation of time may make it impossible.

Mr. CUMMINS. I now yield to the Senator from Texas.

Mr. BAILEY. Mr. President, I simply want to say to the Senator from Iowa and to the Senator from Pennsylvania that this is not an unprecedented proceeding. One of the most important tariff acts in all our history was taken from the table and considered without any reference to the Finance Committee, and the Senate was moved to that action by the same apprehension that evidently controls it now, which was that the committee might not report it back to the body at that session. That apprehension arose, not out of the fact that the committee as then organized was in opposition to the majority sentiment of the Senate, but out of the fact that one of the members of the committee happened to be absent, and it was feared that the committee, in his absence, would be unable to report.

Mr. SMOOT. Was it not also due to the fact that the committee was a tie—with one absent member?

Mr. BAILEY. It was a tie in the absence of that Senator.

Mr. CUMMINS. In so far as we know this committee is a tie.

Mr. BAILEY. This could not very well be equally divided, with a full attendance, because it consists of an odd number. It was an odd number then, but the absence of the Senator, who I believe was Senator Spaight, of North Carolina, left the committee evenly divided.

Mr. PENROSE. Will the Senator from Iowa permit me one word there?

Mr. CUMMINS. I yield.

Mr. PENROSE. The Senator from Iowa has kindly and very courteously expressed his regard for my feelings as chairman of the committee, and I thank him for his expressions, and appreciate them. But my feelings are in no way sensitive. I recognize the fact that the Republican Party no longer controls this Chamber, and if the pending motion passes this body I shall be compelled to notify the scores and hundreds of persons who have requested what is ordinarily considered a right—to be heard—that they are denied it by order of the United States Senate and that hearings will not be had.

I am quite content to stand upon the record as made.

Mr. CUMMINS. I was quite sincere in expressing—

Mr. PENROSE. I know you were.

Mr. CUMMINS. My appreciation of the Senator from Pennsylvania—

Mr. PENROSE. I know that, Mr. President.

Mr. CUMMINS. But I do not believe that he can mean what he has just said. I do not think that he will notify the American people that the Republicans are no longer in control of the Senate. He may in his place upon this floor, but he will not as chairman of the Finance Committee.

It is perfectly evident anyhow that, so far as this tariff discussion is concerned, from beginning to end, the Members of the Senate do not divide upon political lines. The Senator from Pennsylvania himself is not aligned upon the Republican side, as the Senator from Idaho [Mr. HEYBURN] claims, on the reciprocity bill, as carrying into effect Republican doctrine. Who shall be the censor of Republican policies or Republican morals in this Chamber?

Mr. GORE. Mr. President—

Mr. CUMMINS. Who shall determine who is or who is not a Republican? The Senator from Idaho says—

Mr. HEYBURN. Mr. President—

Mr. CUMMINS. Mr. President, the Senator from Idaho says that any man who is for free trade with Canada in agricultural products is not a Republican.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Oklahoma. He was the first to ask.

Mr. GORE. Mr. President, I am obliged to the Senator from Iowa for yielding to me, because I wish, before we proceed too far from the notice which the Senator from Pennsylvania has

given us and which he has advised us he intends to serve upon the American people touching their desire to appear before the Finance Committee, to say that I hope the Senator from Pennsylvania, when he sends that notice to any portion of the American people, will append this postscript—that they have 20 days in which to appear before that committee and present their views upon the pending bill, which involves only one schedule, and that the Payne-Aldrich bill, involving every schedule, involving 4,000 items, was received in the Senate on April 10 and was reported to the Senate on April 12, two days having been set aside by the committee of which the Senator from Pennsylvania is now chairman to allow 90,000,000 people to express their views on four thousand and several items.

I trust the Senator from Pennsylvania will append a postscript of that description, in order that he may be just to the Senate of the United States, to the people of the United States, and to those who have supported the pending motion.

I thank the Senator from Iowa.

Mr. CUMMINS. I now yield to the Senator from Idaho.

Mr. PENROSE. Will the Senator from Iowa yield to me for a moment?

Mr. CUMMINS. I will, after the Senator from Idaho shall have concluded.

Mr. PENROSE. I simply want to say briefly that two years ago a number of informal hearings were granted by the Finance Committee of the Senate to persons desiring a hearing. There was no general request, because all those people had appeared before the House Committee on Ways and Means. This year what is commonly and in a slang phrase called the "steam-roller process" was applied in the House of Representatives, and this bill comes over here without any of those people having had an opportunity to have even a day in court.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I yield to the Senator from Oklahoma for a brief answer.

Mr. GORE. I wish to propound this inquiry to the Senator: Those informal hearings of which we have heard before this, and of which we hear so much now, were had after the bill was reported to the Senate by the Finance Committee.

Mr. PENROSE. They were held three months before the bill ever reached the Senate.

Mr. CUMMINS. I do not intend to yield further for the discussion of what occurred in connection with the Payne-Aldrich legislation.

The PRESIDING OFFICER. The Senator from Iowa declines to yield further.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. The Senator from Oklahoma was just finishing his sentence.

Mr. GORE. I merely wish to state that the people on this occasion should have a like opportunity here in these informal secret hearings as two years ago.

I thank the Senator from Iowa.

Mr. CUMMINS. I now yield to the Senator from Idaho.

Mr. HEYBURN. The Senator from Iowa inquired as to where the principle and power of the Republican Party were to be found.

Mr. CUMMINS. No, Mr. President. The Senator from Idaho does not state it with his usual accuracy.

Mr. HEYBURN. The Senator used better language. I would be glad to have him repeat the language.

Mr. CUMMINS. I asked who in this Chamber—

Mr. HEYBURN. Ah!

Mr. CUMMINS. Is the censor of Republican morals or Republican policies?

Mr. HEYBURN. The Republican majority, acting through its organized caucus, is the master of Republicans, and the man who does not recognize it is not a Republican.

Mr. CUMMINS. Mr. President, so far as I am concerned, I want the Senator from Idaho and the Senate of the United States and the whole world to understand that no caucus of any party or of any element of society can determine for me what I shall do or to what party I shall belong.

Mr. HEYBURN. The Senator has given himself the status that I think will be conceded to him.

Mr. CUMMINS. Precisely; a status of which I am very proud. I recognize the doctrine of protection which was announced by the Republican Party in 1908, and I intend to carry it into effect as faithfully as I can, but no body of men on earth can tell me how to apply the principle that was announced in 1903.

Mr. HEYBURN. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Iowa yield further?

Mr. HEYBURN. It is to correct what I think is a wrong impression as to what I was addressing my remarks to.

The Senator's inquiry was concerning this Canadian tariff bill, and he cited certain instances where it received support or did not, and then inquired in connection with that as to where the test was to be found. I say that this is not a Republican measure—it matters not to me who supports it—because it has not a majority of the Republicans in this Chamber to support it, and it did not come here vouched for by a majority of the Republicans elsewhere, and it can only originate in Congress, and I repudiate the idea that legislation can receive its political character outside of Congress.

Mr. CUMMINS. The action of a Republican caucus upon this measure would make it neither better nor worse. But I agree entirely with the Senator from Idaho in his conclusion that it is not a Republican measure, and I might just as well say frankly that, so far as I am concerned, I intend to do what I can to bring before the Senate revisions of other schedules in this tariff before the measure with Canada is voted upon.

We need not conceal our purposes here, because they are open, I think; visible to everybody. I for one would like the arrangement with Canada or the bill which was passed by the House of Representatives and reported by the committee so amended that it could command my conscience and my support. But it is impossible for Senators to dream of the consideration of a measure of this character and its final disposition by this body until these other measures are also before the Senate and under the consideration of this body.

I therefore, deprecating of course the feeling that there is any discourtesy to the committee intended by this motion, feeling that my highest duty to the American people demands that this and all other measures that are intended for the revision of the tariff shall be before us and under consideration, shall vote for the motion of the Senator from Oklahoma.

Mr. BORAH. Mr. President, I presume the State which I have the honor in part to represent is as much interested in the woolen schedule, perhaps, as any one of three or four States that might be mentioned, and I should, of course, very much desire in a matter of such importance to my constituents that they should have an opportunity to be heard. If I were convinced that a hearing could have any effect, I would not vote to deny them that hearing. But, Mr. President, I do not know just what effect a hearing would have with reference to the woolen schedule.

I know precisely what effect it had with reference to the reciprocity bill. The committee treated the farmers who came here with all deference and courtesy, and listened to them, the farmers knowing all the time and the committee knowing all the time, and everybody else knowing all the time, that it did not make any difference what they said or what facts were produced. The decree had gone forth that the reciprocity agreement was to be passed as written. And if the farmers had been heard for the next six months and had produced the most conclusive evidence, as they did, of the injustice and unfairness of that agreement, it would not have made a particle of difference as to its ultimate passage in the Senate.

That agreement was made elsewhere, and the decree had gone forth that it must pass. Senators standing upon the floor to-day were moved almost to tears because they must part with the farmers, with whom "they had grown up"; but they must part. And sad as it all was, they took their departure. I could only understand the tearful exhibition upon the theory that there was a deep consciousness of being about to do the farmer an injustice. They give to the farmers tears. They give to the manufacturers protection. I have no doubt the farmer would prefer to have his protection and let the manufacturer have the tears.

But it would not serve any good purpose, Mr. President, to bring these wool men here from all parts of the country under the conditions which confront us with reference to legislating at this session. So far as I am concerned, if it is within my power, by vote or otherwise, to drag into the Senate Chamber every single schedule and revise the Payne-Aldrich bill, I am now ready and willing to do it. So, I say, that, knowing that my State is as much interested in the woolen schedule as perhaps any other State in the Union, nevertheless I am ready to begin a general revision.

If we are to have absolute free trade as to the farmer, then we must certainly have revision of the tariff as to all other important schedules in order to have even a semblance of performing our duty here. Believing that we can discover the defects, if there be any, and ascertain the facts, if we need them,

to determine what we should do with reference to the woolen schedule precisely the same as was determined with reference to the reciprocity agreement, I see no reason why we should not do it. It will keep us here a considerable length of time, but it is much more important that we do this right than that we go home; and I do not believe we can justify ourselves by refusing now, as we have an opportunity, to revise the entire tariff in the Senate to the satisfaction of those who think it ought to be done; I believe that it ought to be revised in many respects.

Therefore, while I would not for a moment vote for anything in the nature of a criticism or condemnation of the committee, I think the sooner we get the entire tariff bill into the Senate at this session and commence work we will be at that work which it is our duty at this session to perform.

Mr. JONES. Mr. President, I desire to say that I am going to support the reciprocity measure. I reached that conclusion after a very careful study of the testimony. I shall not vote for any proposed amendment to the reciprocity agreement that is likely to defeat it, but I do think, as the Senator from Idaho [Mr. BORAH] has just said, that the sooner we get a tariff measure in here revising all the principal schedules the better it will be for the country and the better it will be for the Republican Party. I should like to see the Republican members of the Finance Committee get together and exclude the Democratic members and prepare a tariff bill along Republican lines, present it possibly to the full committee for their consideration first, and then bring it into this body, and let us consider it. As the Senator from Iowa [Mr. CUMMINS] said, the woolen bill that has been sent over here is not framed on Republican lines, and I should like to see this bill acted on by the Republican membership of the Finance Committee and that they should bring into this body a bill framed on Republican lines for our consideration.

Mr. NELSON. Mr. President, will the Senator from Washington yield to me?

Mr. JONES. Certainly.

Mr. NELSON. Is the reciprocity bill framed on Republican lines?

Mr. JONES. I think it is, and I shall state my reasons for it later on. I have come to that conclusion after a very careful consideration of it. I want to say that the only question which made me hesitate in regard to it was as to whether or not I could justify that measure along the line of the Republican policies I have heretofore advocated. I believe I can; at least I am satisfied of it in my judgment, and my reasons for it I will present later on.

Mr. NELSON. The Senator has come to the conclusion, then, that everybody in this country is entitled to protection except the farmers.

Mr. JONES. No; I do not agree with the Senator on that. I think I am just as sincere in my opinion with reference to the protective character of the reciprocity agreement as the Senator from Minnesota, and I know that he is honest and sincere in the matter.

I believe that the Republicans of this body owe it to themselves and to the country to make some revision of the woolen schedule, and of the metal schedule, and of the sugar schedule, and of the cotton schedule, and, possibly, some other schedules.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. Certainly.

Mr. SMOOT. I was going to ask the Senator how he felt in relation to the tariff on lumber as provided in this bill. He is from a lumber State, and I want to know if he thinks that it is fair and right that lumber finished on one side—

Mr. JONES. I am not going into those details now, I will say to the Senator.

Mr. SMOOT. That is a question of tariff.

Mr. JONES. I will discuss that at the proper time, and my constituency will be pretty well satisfied with my position. They have not any protection on lumber now.

Mr. SMOOT. Of course, if the Senator does not want to yield, I will not interrupt him.

Mr. JONES. I do not care to go into details with reference to these matters. I want to state my position generally because of the vote I am going to give on this matter and from the fact that very likely after to-day I will not be on the floor of the Senate very much while the matter is under consideration, because I will be engaged upon an investigation ordered by the Senate.

Mr. SMOOT. I think it is very poor reciprocity to have a 50-cent rate on lumber into the United States and a \$4 rate on lumber going into Canada.

Mr. JONES. I will answer to my constituency upon that matter so far as they are affected by that proposition, and I think satisfactorily to them as well as satisfactorily to myself.

I voted for the Payne-Aldrich bill, and I voted for it without any apology. It was not exactly the sort of measure I should have liked. I voted for a great many what I consider fundamental propositions to that bill that were not included in it, but I considered that bill as a step forward, and I believe so yet. However, the people of the country have not been satisfied with it. There is not any question about that. They want to have some changes made in it; and I believe that it is for the best interests of the people and the best interests of the Republican Party, now that we are in session here, to proceed with the revision of the schedules that practically everybody concedes ought to be revised to a certain extent. My vote will be cast for considering these propositions.

If the Finance Committee will bring into the Senate a bill embodying a revision of these various schedules along Republican lines, not radical but reasonable in its scope, then I will vote to put that on the reciprocity bill, because in my judgment a measure of that kind would be signed by the Executive.

I have no authority to speak for him, as far as that is concerned, because I have not discussed the matter with him at all; but it is my judgment that if a measure of this sort were framed by the Republican members of the Finance Committee, and they are just as competent to do it to-day as they will be in a month from now with all the hearings they may hold, and if they bring it into this body and put it on the reciprocity bill, and it goes to the President of the United States, he will sign it, and it will become law. I believe the people of this country would be satisfied with what the Republican Party has done, and that they would be satisfied with what Congress has done.

Now, Mr. President, I am going to vote for this motion. I would rather have a motion directing the committee to report out by the 1st of August a bill revising all of these various schedules in one measure. But I suppose a proposition of that sort might not meet with favor. I believe that until the 10th day of July is not an abundance of time to give all the hearings that ought to be held with reference to this matter. Read the vast amount of testimony that has been taken on this reciprocity measure, and it is page after page of repetition after repetition of facts and arguments that ought to be confined and condensed into one-tenth of the volume that it is now in.

If the committee will direct the representatives of the woolen manufacturers to send here one or two men to present their side of the proposition and the woolgrowers one or two men to present their side of the proposition, they can get all the information in one or two days that they could get at hearings held for a month with reference to the measure. As far as that is concerned, the members of the Finance Committee are themselves just as well equipped to prepare a measure of this kind, with a proper revision of this schedule, as they will be the 10th day of July.

So I propose to vote for this motion as a Republican. I do not care to put any prefixes or affixes to it, or anything of the sort, but as a Republican within the Republican Party I propose to vote for this motion, and I propose to vote in a way that will possibly bring about a reasonable revision of these various schedules of the tariff act.

Mr. McCUMBER. Before the Senator from Washington takes his seat let me ask him, Do I understand the Senator to proclaim now that he would vote to tack on this bill a revision of the entire tariff from a Republican standpoint?

Mr. JONES. I would.

Mr. McCUMBER. Would the Senator vote for it if from a Republican standpoint there was incorporated in it honest protection for the farm products of this country?

Mr. JONES. I would.

Mr. McCUMBER. Then does the Senator think that this bill would ever be signed by the President, or does he think it would ever be adopted by the Canadian Parliament, if it contained any protection whatever to the farm products of this country?

Mr. JONES. I do not agree with the Senator that we are taking away all the protection of the farm products.

Mr. McCUMBER. I am asking if the Senator will vote for an amendment to this bill which shall give adequate protection to farm products—the cereals, wheat, oats, barley, rye, flax—and tack it on this agreement?

Mr. JONES. I think this reciprocity agreement will not do the farmers of this country any injury.

Mr. McCUMBER. That is not the question.

Mr. JONES. Therefore no amendment along the line the Senator proposes would appeal to me at all.

Mr. McCUMBER. That is not the question I asked the Senator. The Senator suggested that he would vote for an amendment which should be considered from the Republican standpoint and should be passed as a Republican measure and attach it to this bill. Now, I want to know if he would do that even though the majority of the Republicans believed that the farm products I have mentioned ought to be protected?

Mr. JONES. I will not vote for an amendment to this bill, as I said a moment ago, that I think will defeat it or for the purpose of defeating it. I do not believe that a proposition along the line I have already suggested would defeat it.

Mr. McCUMBER. I think it would defeat it.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. GORE] moves that the bill be referred to the Committee on Finance, with instructions that it shall be reported back not later than the 10th day of July next.

Mr. MARTIN of Virginia. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MARTIN of Virginia (when Mr. BACON's name was called). The Senator from Georgia [Mr. BACON] was called from the Chamber. He is paired with the senior Senator from Maine [Mr. FRYE]. If the Senator from Georgia were present, he would vote "yea."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote. I vote "yea."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer that pair to the Senator from Nevada [Mr. NIXON] and vote. I vote "nay."

Mr. CRANE (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the senior Senator from New York [Mr. ROOT] and vote. I vote "nay."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I transfer that pair to my colleague [Mr. PAGE] and vote. I vote "nay."

The PRESIDING OFFICER (when Mr. GALLINGER's name was called). I am paired with the Senator from Arkansas [Mr. DAVIS].

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. PERCY]. As he is absent, I will withhold my vote.

Mr. REED (when his name was called). I am paired with the senior Senator from Michigan [Mr. SMITH]. I transfer that pair to the junior Senator from Tennessee [Mr. LEA] and vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Maine [Mr. JOHNSON] and vote. I vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] was called out of the Chamber. He has a pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were here, he would vote "nay."

Mr. FOSTER (when Mr. THORNTON's name was called). My colleague [Mr. THORNTON] has been called out of the Chamber. He is paired with the senior Senator from Kansas [Mr. CURTIS].

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. I transfer that pair to the junior Senator from Georgia [Mr. TERRELL] and vote. I vote "yea."

The roll call was concluded.

Mr. JOHNSTON of Alabama. I desire to announce that my colleague [Mr. BANKHEAD] is paired with the senior Senator from Connecticut [Mr. BRANDEGEE], and the Senator from Arkansas [Mr. CLARKE] is paired with the Senator from Wisconsin [Mr. STEPHENSON].

Mr. BAILEY. I again announce the pair of the Senator from Kentucky [Mr. PAYNTER] with the Senator from Colorado [Mr. GUGGENHEIM]. If the Senator from Kentucky were present, he would vote "yea."

Mr. GORE. My colleague [Mr. OWEN] has been called from the Senate. If he were present, he would vote "yea."

Mr. BRADLEY (after having voted in the negative). I desire to withdraw my vote. I am paired with the senior Senator from Tennessee [Mr. TAYLOR], who did not vote.

Mr. SMITH of Maryland. My colleague [Mr. RAYNER] is paired with the Senator from Utah [Mr. SUTHERLAND]. If my colleague were here, he would vote "yea."

The result was announced—yeas 39, nays 18, as follows:

YEAS—39.

Bailey	Cummins	Kern	Shively
Borah	Dixon	La Follette	Simmons
Bourne	Fletcher	Martin, Va.	Smith, Md.
Bristow	Foster	Martine, N. J.	Smith, S. C.
Brown	Gore	Nelson	Swanson
Bryan	Gronna	O'Gorman	Townsend
Chamberlain	Hitchcock	Overman	Watson
Clapp	Johnston, Ala.	Poindexter	Williams
Crawford	Jones	Pomerene	Works
Culberson	Kenyon	Reed	

NAYS—18.

Burnham	Dillingham	Lodge	Smoot
Burton	du Pont	Lorimer	Warren
Clark, Wyo.	Gamble	Myers	Wetmore
Crane	Heyburn	Penrose	
Cullom	Lippitt	Perkins	

NOT VOTING—34.

Bacon	Frye	Oliver	Stephenson
Bankhead	Gallinger	Owen	Stone
Bradley	Guggenheim	Page	Sutherland
Brandegee	Johnson, Me.	Paynter	Taylor
Briggs	Lea	Percy	Terrell
Chilton	McCumber	Rayner	Thornton
Clarke, Ark.	McLean	Richardson	Tillman
Curtis	Newlands	Root	
Davis	Nixon	Smith, Mich.	

So Mr. GORE's motion to refer the bill with instructions was agreed to.

Mr. PENROSE. I move that the Senate adjourn.

The motion was agreed to, and (at 8 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 22, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 21, 1911.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, whose life-giving rays permeate all space and whose love reaches out to all mankind, we thank Thee for that strong, intelligent, and ever-growing faith which recognizes Thee as the Father of all men, which enhances, dignifies, and ennobles life, takes away the sting, the fear of death, and fills the heart with eternal hope, accentuates the sinfulness of sin, and inspires to holy living. Grant, O most merciful Father, that it may continue to grow until all men shall know Thee and worship Thee as such in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday, June 20, 1911, was read and approved.

SWEARING IN OF A MEMBER.

Mr. KENDALL. Mr. Speaker, the Member elect from the ninth Iowa district is present, and desires to have the oath of office administered. [Applause.]

The SPEAKER. The Chair has examined the certificate, and finds it in the regular form.

The certificate of election is as follows:

CERTIFICATE OF ELECTION.

STATE OF IOWA, EXECUTIVE DEPARTMENT.

To WILLIAM R. GREEN, Greeting:

It is hereby certified that at an election holden on the 5th day of June, A. D. 1911, you were elected to the office of Representative in Congress from the ninth congressional district of said State for the residue of the term of two years ending on the 3d day of March, A. D. 1913.

Given at the seat of government this 12th day of June, A. D. 1911.

B. F. CARROLL,

Governor of the State of Iowa.

(Countersigned) W. C. HAYWARD,

Secretary of State.

Mr. KENDALL. Mr. Speaker, I present Mr. GREEN to be sworn in.

The SPEAKER administered the oath of office to Mr. GREEN of Iowa.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday.

Mr. UNDERWOOD. I move that the proceedings under Calendar Wednesday be dispensed with for to-day.

The SPEAKER. The gentleman from Alabama moves that the proceedings under the Calendar Wednesday rule be dispensed with.

The question being taken, and two-thirds voting in the affirmative, the motion was agreed to.